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IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 21203 of 2019
(Through Video Conference)

Fazlul Rahaman
Vs.
State of West Bengal & Ors.

Mr. Pintu Karar
... For the petitioner.

Mr. S. S. Koley
... For WBSEDCL.

Mr. Jahar Datta,
Mr. Jaladhi Das
... For the State.

The matter was adjourned on 14th January, 2021 to enable the advocate for WBSEDCL to take instructions whether the final order has been passed in respect of the provisional order dated 1st November, 2019.

On behalf of WBSEDCL, it is submitted that the petitioner had filed a written complaint as against the provisional order of assessment on 6th November, 2019. Before the hearing could take place, the petitioner has filed the writ petition on 14th November, 2019. The Assessing Officer, in view of the pendency of the writ petition, did not proceed to hear out the matter and pass the final order.

In the facts and circumstances as aforesaid, I direct the concerned Assessing Officer of

WBSEDCL, being the respondent no.4, to give the petitioner a hearing on 29th January, 2021 at 12.30 p.m. as to the objection submitted by the petitioner against the provisional assessment order dated 1st November, 2021. The respondent no.4, shall pass a reasoned order, being the final order in the matter, within 15th February, 2021 and communicate the same to the petitioner within seven days from the date of passing of the said order. It will be open to the petitioner to prefer an appeal as against the final order under the provisions of section 127 of the Electricity Act, 2003 (hereinafter referred to as the said Act) within 30 days from the date of receipt of the order. In the event no appeal is preferred within the said time frame, WBSEDCL will be free to proceed against the petitioner for realising the amount assessed in the final order in accordance with law.

So far as the issue of reconnection is concerned, it appears that the provisional assessment is for Rs.87195/-. Subject to the petitioner paying a sum of Rs.50,000/- to WBSEDCL, petitioner's connection will be restored within 5 working days from the date of receipt of payment from the petitioner. If the petitioner pays the said sum of Rs.50,000/- for the purpose of reconnection such payment shall be the consideration by the

Appellate Authority in the event the petitioner files an appeal from the final order for the purpose of ascertaining the amount to be deposited or paid in terms of section 127 (2) of the said Act for entertaining the appeal.

It is also made clear that the respondent no.4, Assessing Officer, will be free to pass the final order in the event the petitioner fails to appear for hearing on 29th January, 2021 at 12.30 p.m. No further notice is required to be given since the parties are represented.

Nothing further remains to be adjudicated in the writ petition and the same is accordingly disposed of without any order as to costs.

Since I have not called for any affidavits, the allegations contained in the writ petition are deemed to have not been admitted by the respondents.

Urgent photostat certified copy of this order, if applied for, is to be given to the parties upon compliance with the necessary formalities.

(Arindam Mukherjee, J.)