

15.01.2021
Ct. No. 23
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IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 11481 of 2020

Sekh Takir @ Takir Sekh
Vs.

West Bengal State Electricity Distribution
Company Limited & Ors.
(Via Video Conference)

Mr. Arindam Chattopadhyay,
Ms. Lipika Chatterjee

....for the petitioner.

Mr. S. S. Koley

....for WBSEDCL.

The petitioner was enjoying electricity for the purpose of operating a submersible pump for agricultural purpose. The petitioner was found to have been using electricity in an unauthorized manner. The electricity connection of the petitioner was disconnected and the provisional assessment bill was issued to the petitioner on 13th October, 2020 for a sum of Rs.2,60,613.36. A police complaint was made against the petitioner on 14th October, 2020. Petitioner objected to the provisional assessment. On 11th November, 2020 a hearing was given to the petitioner by the concerned officer of West Bengal Electricity

Distribution Company Limited (hereinafter referred to as WBSEDCL). Thereafter, the final assessment bill has been raised on 26th November, 2020, pursuant to a final order also dated 26th November, 2020 in respect of Consumer ID 500185012. The final assessed sum is Rs.1,93,973/- though in another document the same appears to be Rs.1,99,099/-. The said sum was required to be paid within 14th December, 2020. The petitioner has challenged the final assessment order by filing the instant writ petition on 22nd December, 2020. The petitioner has also sought for reconnection.

So far as to the dispute regarding the final assessment order is concerned, the petitioner's remedy lies in preferring an appeal under section 127 of the Electricity Act, 2003 (hereinafter referred to as the 2003 Act.). The appeal has to be preferred within a period of 30 days from the date of the final order. In the instant case, 30 days period had expired on 26th December, 2020 considering the final order to be dated 26th November, 2020. This has happened during the pendency of the writ petition. The time limit for preferring the appeal can be extended. Taking cue from the order passed by the Hon'ble Supreme Court of India, that the limitation period in

respect of any appeal to be filed in Court stands extended with effect from 15th March, 2020 and that the time to prefer an appeal expired during the pendency of the writ petition, the time to prefer an appeal by the petitioner is extended by permitting the petitioner to prefer an appeal within 8th February, 2021.

The appellate authority, if approached, shall decide the petitioner's case as expeditiously as possible but not beyond three months from the date of being approached.

So far as the issue of reconnection is concerned, the petitioner shall have to pay Rs. 97,000/- to have the reconnection of supply in respect of Consumer ID 500185012. The payment has to be made within 31st January, 2021.

On payment of Rs.97,000/-, WBSEDCL, shall within 48 hours from such payment being made by the petitioner, restore electric supply to the petitioner. In the event, the petitioner fails to prefer an appeal within the timeframe provided, it will be open to WBSEDCL, to realise the assessed sum under the final assessment bill referred hereinabove, in accordance with law.

The appellate authority, if approached while computing the amount required to be paid by the petitioner under the provisions of section 127(2)

of the 2003 Act, shall take into consideration the amount that may be paid by the petitioner for obtaining reconnection.

It is made clear that the petitioner will have to pay the regular electricity bills that may be raised from time to time after the reconnection and in default, WBSEDCL, shall be at liberty to take all measures as are permissible in law against the petitioner irrespective of the pendency of any appeal under section 127 having been filed by the petitioner.

Nothing remains further 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 respondent.

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

(Arindam Mukherjee, J.)