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08.02.2022
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WPA No.528 of 2022
Kanai De
Vs.
The West Bengal State Electricity Distribution
Company Limited (WBSEDCL) and others

(Via Video Conference)

Mr. Sukumar Ghosh,
Mrs. Moumita Ghosh

.... for the petitioner

Mr. Debjit Mukherjee

.... for the WBSEDCL

Learned counsel for the petitioner contends that a final order was passed in respect of assessment with regard to the petitioner's electric meter after disconnection of electric supply, without giving any opportunity of hearing to the petitioner on the provisional order. It is further argued that no copy of the final order has been served at any point of time on the petitioner.

Learned counsel for the Distribution Licensee, however, submits that a copy of the final order was served long back on the petitioner and, over and above, a copy thereof was pasted on the outer wall of

the petitioner's property prior to the filing of the writ. Learned counsel for the Distribution Company hands over a small bunch of papers, containing photographs and a copy of the purported final order of assessment, in support of his submissions.

In view of a final order having already been passed, as it appears from the documents on record, the appropriate remedy available to the petitioner is to prefer an appeal under Section 127 of the Electricity Act, 2003, upon compliance of all pre-requisites in that regard, before the appropriate authority.

However, since a doubt has arisen as to the date of knowledge and/or service of copy of the final order of assessment on the petitioner, for the ends of justice, it is deemed that such copy has been handed over to the petitioner today, when the learned Advocate appearing for the petitioner in this court receives a copy thereof from his counterpart appearing for the WBSEDCL.

The learned Advocate for the Distribution Company shall ensure that a copy of the bunch of papers filed in court, including the final order of assessment, is handed over during the course of the day to the learned Advocate appearing for the petitioner, to enable the petitioner to prefer an appropriate appeal before the appellate authority.

Accordingly, in the light of the above observations, WPA No.528 of 2022 is disposed of by granting liberty to the petitioner to approach the competent authority by way of an appeal, challenging the final order of assessment of the Distribution Company in respect of the petitioner's meter, incidentally challenging the alleged passing of the final order without notice to the petitioner, if so deemed fit. If such an appeal is preferred, the appellate authority shall decide the same in accordance with law independently and on its own merits, without being influenced by any of the observations made herein, upon giving adequate opportunity of hearing to all the interested parties.

It is further clarified that it will be open to the petitioner to pray before the appellate authority for an immediate reconnection of electric supply to the petitioner's electric meter upon such terms as the appellate authority deems fit. If such a prayer is made, the appellate authority will decide the same independently without being influenced by the disposal of the present writ petition.

In view of the plight of the petitioner, who is a cultivator, the appellate authority is requested to dispose of the appeal, if the same is filed by the petitioner as expeditiously as possible, preferably

within five weeks from the date of presentation of the appeal before the appellate authority, subject to the convenience of the appellate authority.

There will be no order as to costs.

Urgent photostat certified copies of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

(Sabyasachi Bhattacharyya, J.)