

AD. 34.
June 9, 2022.
MNS.

WPA No. 1562 of 2022

Badal Kandar
Vs.
The State of West Bengal and others

Mr. Monoranjan Jana

...for the petitioner.

Ms. Mitali Bhattacharya

...for the WBSEDCL.

Mr. Samsul Kabir Humayan Reza

...for the State.

The petitioner seeks the restoration of his electricity connection, which was disconnected on the ground of theft about eight years back.

It is submitted that, due to no fault of the petitioner, the connected criminal case is being delayed for so long. The petitioner is a senior citizen and seeks restoration of the electricity connection upon payment of a part of the assessed amount.

Learned counsel appearing for the West Bengal State Electricity Distribution Company Limited (WBSEDCL) submits that theft occurred in respect of the petitioner's connection not once but thrice, in the years 2012, 2016 and thereafter 2021.

It is submitted that upon such disconnection, the petitioner filed a representation without specifically asking for restoration of connection.

Such stand is disputed by learned counsel for the petitioner. However, on query of court, learned counsel for the petitioner candidly submits that no challenge has been taken out against the final order of assessment made by the WBSEDCL in respect of the petitioner's electricity connection.

Since, under Section 127 of the Electricity Act, 2003, an appeal is maintainable against the final order of assessment within a limited period, which has long elapsed without the petitioner challenging the final order of assessment, the same has attained finality and cannot be waived by directing the WBSEDCL to restore the electricity connection of the petitioner, unless the petitioner paid all the dues as well as all ancillary charges.

Hence, there is no scope of interference in the writ petition.

Accordingly, WPA 1562 of 2022 is dismissed without any 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.)