

16th February,
2022
(AK)
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WPA 1834 of 2022

(Via Video Conference)

Raghab Mondal
Vs.
West Bengal State Electricity Distribution Company
Limited and others

Mr. Manas Kumar Das
...for the petitioner.

Ms. Suvasree Ghose
...for the WBSEDCL.

The petitioner alleges that the petitioner has been enjoying temporary electricity connection to his submersible pump over a long period of time.

However, when the petitioner accumulated some money and sought for a permanent connection, the Distribution Licensee has been sitting tight over the matter.

Learned counsel appearing for the petitioner further submits that the petitioner has all along paid the current bills regarding the usage of electricity from the temporary connection.

Learned counsel appearing for the Distribution Licensee submits that an allegation of theft was levelled against the petitioner and a consequential FIR was lodged, although counsel submits that no criminal

proceedings were apparently initiated following up such FIR.

It is further submitted that after the provisional assessment, final assessment has already been arrived at. However, learned counsel for the Distribution Licensee has no specific instruction as to when the final assessment bill was served on the petitioner.

Since the regulations framed by the WBERC specifically provide for an appeal against a final order of assessment within the contemplation of Section 127 of the Electricity Act, 2003, there is no reason why the same principle should not be applicable in the present case.

Although the provisions of Sections 126 and 127 of the 2003 Act deal with a situation where an electricity connection is cut off and the same is restored upon the consumer paying the entire bill amount, in the present case, the petitioner has already been enjoying a temporary connection, which has been renewed from time to time and it is well within the domain of the licensee to refuse permanent connection in the event the petitioner fails to put in the final assessment amount, unless the petitioner challenges the same in appeal.

Keeping in mind that the petitioner is a cultivator and is not expected to be aware of the law in every respect, it is deemed that the final assessment bill has been served as of today on the petitioner.

Learned counsel for the Distribution Licensee is requested to hand over a copy of the final assessment bill to her counterpart appearing for the petitioner.

In the event the petitioner is minded to prefer an appeal against such final assessment order, the petitioner is free to do so before the appropriate appellate authority upon compliance with all formalities as provided under Section 127.

The limitation for preferring such appeal shall be deemed to start from today.

In the event the petitioner prefers an appeal before the appellate authority, it will be open to the petitioner to apply to such authority for a restoration of connection upon payment of a portion of the final assessment dues, subject to the discretion of the appellate authority.

However, since the rigours of sections 126 and 127 of the 2003 Act are applicable to the present case as well, at present no permanent connection can be given to the petitioner without the petitioner either depositing the entire finally assessed amount or succeeding in an appeal against such final assessment bill.

It may be recorded that, pursuant to the direction of court, a copy of the final assessment bill is handed over in court by learned counsel for the Distribution Licensee to the learned counsel for the petitioner.

WPA 1834 of 2022 is disposed of accordingly.

There will be no order as to costs.

Urgent photostat copies of this order, if applied for, be given to the parties upon compliance of all requisite formalities.

(Sabyasachi Bhattacharyya, J.)