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18.02.2022
TN

WPA No.1992 of 2022

Asit Baran Maity

Vs.

The West Bengal State Electricity Distribution
Company Limited and others

(Via Video Conference)

Sk. Sahjahan Ali

.... for the petitioner

Mr. Sumit Ray

.... for the WBSEDCL

Learned counsel for the petitioner submits that the petitioner was clamped with a charge of theft by the Distribution Licensee and a proceeding initiated against the petitioner on that score.

Subsequently, a provisional and then a final assessment bill was raised, against which the petitioner has preferred an appeal under Section 127(1) of the Electricity Act, 2003 (for short “the 2003 Act”) before the appellate authority, upon deposit of fifty per cent of the assessment amount, as per the law.

Since the petitioner is without electricity and suffering for the same for some time now, it is prayed that the electricity connection may be restored to the petitioner, since fifty per cent of the assessment dues have already been paid.

Learned counsel appearing for the Distribution Licensee submits that there is nothing on record to establish that the petitioner has preferred an appeal not only upon payment of the fifty per cent of the assessment amount but also the appeal fees.

Thus, it is submitted that the petitioner is not entitled; even otherwise in law, to get restoration of electric connection without depositing the full amount.

The law, as it stands now, provides under Section 126 of the 2003 Act that upon disconnection on the charge of unauthorised use of electricity, a provisional bill is raised and, only upon payment of the full amount of dues before the authorities, the electricity connection is restored.

However, in the present case, the petitioner has not at any point of time put in the entire amount of either the provisional or the finally assessed amount, apart from the alleged deposit of fifty per cent of the finally assessed amount before the appellate authority, which, in any event, the petitioner is bound

to deposit under the provisions of Section 127(1) if the petitioner seeks to prefer an appeal under the said provision.

Hence, the relief sought by the petitioner is beyond the statutory provisions, which stipulate that, unless the consumer pays the full amount of finally assessed bill or succeeds in the appeal preferred against the same, no restoration of electric connection can happen.

In such view of the matter, WPA No.1992 of 2022 is dismissed without any order as to costs.

The rights and contentions of the parties in the appeal preferred against the final order of assessment of the petitioner have not been gone into by this court.

In view of the plight of the petitioner, who is a cultivator, the appellate authority is requested to take steps for early disposal of the petitioner's appeal and preferably to conclude it within four weeks from date.

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.)