

6th December,
2022
(AK)
03

W.P.A 2942 of 2021

Golam Rasul
Vs.
The West Bengal State Electricity Distribution Company
Limited and others

Ms. Manali Biswas

...for the petitioner.

Mr. Srijan Nayak
Mrs Rituparna Maitra

...for the WBSEDCL.

The limited grievance of the petitioner is that despite the petitioner having been served with a provisional assessment bill long back, no hearing on it has yet been given to the petitioner, nor has any final assessment order been passed.

Heard learned counsel for the parties.

Section 126 of the Electricity Act, 2003 stipulates a limited time-frame for hearing the consumer and passing a final order of assessment.

The same having not been complied with, the provisional order of assessment cannot be sustained.

Accordingly, WPA 2942 of 2021 is allowed, thereby setting aside the provisional order of assessment raised against the petitioner on the ground that the same has been vitiated due to non-compliance of Section 126 of the 2003 Act.

Leave is granted to the WBSEDCL, however, to raise a fresh provisional assessment bill and, upon giving hearing to the petitioner in due process of law, to pass a final order of assessment, if leviable, in accordance with law.

It is made clear that the respective contentions of the parties with regard to the allegation of pilferage have not been gone into by this court.

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.)