

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

W.P.A. No. 4390 of 2022

Sanjit Mal
Vs.
The West Bengal State Electricity
Distribution Company Limited & Ors.

Mr. Md. Rafiqul Islam
... for the petitioner

Mr. Sujit Sankar Koley
...for the WBSEDCL

Learned counsel appearing for the petitioner contends that the Distribution Licensee claimed an amount which is exorbitant, keeping in view the financial condition of the petitioner, upon final assessment done in connection with the allegation of unauthorized use of electricity levelled against the petitioner.

Learned counsel placed reliance on Annexure P-5, at page 21 of the writ petition, wherein the said order of final assessment has been annexed.

However, learned counsel for the Distribution Licensee rightly points out that the regulations provide that an appeal lies against the final order of assessment before the appropriate appellate forum.

In view of factual questions, allegations and counter-allegations involved in the writ petition, which

would exceed the scope of inquiry in a writ matter, it would be appropriate for the petitioner to approach the appropriate appellate forum provided in law.

Accordingly, W.P.A. No. 4390 of 2022 is disposed of by granting liberty to the petitioner to approach the concerned appellate forum with the challenge against the final assessment bill amount in the present writ petition.

It is made clear that the period lost by the writ petitioner in bona fide pursuing the present writ petition shall be deemed to be frozen/arrested for the purpose of counting the limitation period for such appeal, if preferred.

(Sabyasachi Bhattacharyya, J.)