

19th May,
2022
(AK)
03

W.P.A 7105 of 2022

Ajit Kumar Bera
Vs.
The West Bengal State Electricity Distribution Company
Limited and others

Mr. P.K. Pakrashi
Mr. G. Das

...for the petitioner.

Ms. Suvasree Ghose

...for WBSEDCL.

When the matter is called on for hearing, learned counsel appearing for the Distribution Licensee files a photocopy of a First Information Report, along with a copy of the final assessment bill raised on the allegation of theft in respect of the electricity meter of the petitioner's brother, which is being enjoyed, allegedly, from the same premises.

Learned counsel appearing for the petitioner submits that although the applications for electricity connection were filed by the writ petitioner in the year 2021, the assessment copy has been given, along with the details of the FIR, only today by way of the copies filed in court.

Hence, learned counsel for the petitioner submits that the petitioner has a dispute in respect of the said assessment being applicable to the petitioner.

In the event the petitioner is aggrieved by the final order of assessment, the petitioner has his remedy by way of an appeal under Section 127 of the Electricity Act, 2003, subject to compliance of formalities as stipulated therein.

However, since the statute and regulations framed thereunder specifically provide that a new connection cannot be given unless the amount due on a final assessment bill in respect of the same premises is cleared, in the event the applicant has a nexus with the defaulting consumer, it is beyond the scope of this court to direct the WBSEDCL to give such restoration of connection to the petitioner, either without depositing the entire amount of assessment, subject to a challenge in the appeal or, alternatively, the final assessment being modified or set aside in the appeal, if any, preferred by the petitioner.

Hence, WPA 7105 of 2022 is disposed of by granting the petitioner liberty to deposit the amount due on the final assessment bill for getting a new connection from the WBSEDCL as per the petitioner's application, in the alternative, to challenge the said final order of assessment in a regular appeal under Section 127 of the 2003 Act.

It is made clear that the contentions of the parties have not been entered into on merits 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.)