

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

W.P.A. No. 7624 of 2022

Babulal Makurh
Vs.
State of West Bengal & Ors.

Mr. Nandadulal Bandyopadhyay
... for the petitioner

Mr. Sujit Sankar Koley
... for the WBSEDCL

Learned counsel appearing for the petitioner submits that the petitioner was not given any hearing on the provisional order of assessment raised against the petitioner on the ground of alleged unauthorized use of electricity. Subsequently, when the petitioner attended the hearing, the authorities made the petitioner sign a blank paper, as alleged in paragraph 6 of the writ petition.

Learned counsel appearing for the West Bengal State Electricity Distribution Company Limited (WBSEDCL), by placing reliance on the documents placed before this Court, submits that the petitioner not only received a notice of hearing on the provisional order of assessment, but also appeared for the hearing and has signed the relevant papers indicating such

appearance. In fact, the petitioner admitted his guilt, on which the assessing officer had reduced the provisionally assessed amount in the final order of assessment.

It transpires from the records that the petitioner's allegations in the writ petition do not stand on a sound factual footing. In the absence of any prior malice between the concerned officer and the petitioner between pleaded or proved, the allegation levelled by the petitioner with regard to signing on a blank paper under coercion is not credible at all.

Moreover, contrary to the submission made by the petitioner to the effect that he was not given any opportunity of hearing on the provisional order of assessment, the record shows that the petitioner not only appeared in such hearing but also admitted his guilt, on which the assessing officer had reduced the provisional assessment amount, probably in view of the vocation of the petitioner, who is a cultivator.

Hence, the reckless allegations made in the writ petition have not been substantiated at all or borne out by the materials on record. Such kind of baseless and unwarranted allegations are not called for while invoking the writ jurisdiction of this Court, which is all about equity.

Be that as it may, since no clinching evidence of fraud have been made out or alleged against the

petitioner, no steps are being taken against the petitioner for the apparently false allegations made in the writ petition.

Be that as it may, there is no scope of interference in the writ petition and/or directing restoration of electricity connection to the petitioner.

Hence, W.P.A. No. 7624 of 2022 is dismissed on contest without, however, any order as to costs.

Urgent photostat certified copies of this order, if applied for, be made available to the parties upon compliance of all necessary formalities.

(Sabyasachi Bhattacharyya, J.)