

13
17.05.2022
TN

WPA No. 7632 of 2022

Basar Ali Mallik
Vs.
The West Bengal State Electricity Distribution
Company Ltd. and others

Mr. Bhaskar Chandra Manna
.... for the petitioner

Mr. S.S. Koley
.... for the WBSEDCL

Mr. Prasanta Giri,
Mr. Benazir Ahmed
.... for the State

Learned counsel for the petitioner contends that the West Bengal State Electricity Distribution Company Limited (for short “the WBSEDCL”) lodged complaints against the petitioner on the allegation of pilferage and the police are bent upon taking action thereon.

Moreover, the WBSEDCL also sent a provisional order of assessment, as annexed at pages-13 and 14 of the writ petition, without any material basis.

Learned counsel appearing for the Distribution Licensee submits that the petitioner has not yet filed any proper written objection to the appropriate

authority in respect of the provisional order of assessment.

Be that as it may, since the petitioner has already made a representation before the Divisional Manager, WBSEDCL, although the said official is not the appropriate authority for disputing provisional orders of assessment, let such representation of the petitioner (Annexure-P/2 at page-15 of the writ petition) be treated to be the written objection of the petitioner to the provisional order of assessment. The WBSEDCL, upon giving adequate opportunity of hearing to the petitioner, shall pass a final order of assessment in accordance with law.

It is made clear that in the event the petitioner complies in the meantime with all statutory formalities, by depositing the entire amount under Section 126 of the Electricity Act, 2003 (hereinafter referred to as “the 2003 Act”), the WBSEDCL shall restore the electricity connection of the petitioner.

It is made clear that the merits of the objections of the petitioner have not been gone into by this court.

The petitioner will also be at liberty to approach the appropriate forum challenging the proceeding initiated against the petitioner under Section 135 of the 2003 Act.

Accordingly, WPA No.7632 of 2022 is disposed of.

There will be no order as to costs.

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.)