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IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

W.P.A. No. 7836 of 2022

Ful Kumar Mondal

-vs.-

West Bengal State Electricity
Distribution Company Limited & Ors.

Mr. Shiv Shankar Banerjee,
Mr. Sk. Selim Malik
...for the petitioner

Dr. Madhusudan Saha Ray
...for the WBSEDCL

Mr. Bipin Ghosh
...for the State

The grievance of the petitioner, who is allegedly a slum-dweller, is that, the petitioner, being of meagre means and a layman, was not aware of the legal remedy of appeal against a final assessment made by the Distribution Licensee and did not participate in the hearing in respect of passing of the final order of assessment, subsequent to the provisional assessment being made.

As such, it is submitted by learned counsel appearing for the petitioner in his usual fairness, the said final order of assessment has apparently crystallized against the petitioner.

However, it is submitted that, keeping in mind the meagre means of the petitioner, the WBSEDCL may be directed to take a fresh look in the matter and/or consider granting instalments to the petitioner for clearing the arrear dues.

At the outset, as per the petitioner's prayer, the petitioner is granted leave to amend the cause title of the present writ petition by deleting respondent no. 6, who has been erroneously impleaded in the present writ petition.

Such amendment shall be carried out during the course of the day.

Upon hearing learned counsel for the petitioner and the Distribution Licensee, it appears that, subsequent to the final assessment made in respect of the petitioner's electricity meter, there is no scope of interference by the writ court, particularly in the absence of any appeal at the behest of the petitioner against such final order of assessment.

However, keeping in view the allegedly bleak financial condition of the petitioner, W.P.A. No. 7836 of 2022 is disposed of by granting the petitioner liberty to approach the WBSEDCL for considering grant of instalments to the petitioner for the purpose of clearing the dues from the petitioner in respect of the meter-in-question.

If such an application is made, the WBSEDCL shall consider the same, in accordance with law but sympathetically, and intimate its decision thereon, to be taken within a fortnight from such application being made by the petitioner.

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 of all necessary formalities.

(Sabyasachi Bhattacharyya, J.)