

ML-109
Ct No.09
15.09.2022
TN

WPA No. 9360 of 2022

Kawaldeep Singh Anand
Vs.
The State of West Bengal and others

Mr. Biswanath Ghosh

.... for the petitioner

Dr. Madhusudan Saha Roy

.... for the CESC Limited

Learned counsel for the parties submit that during pendency of the writ petition, the petitioner has deposited the amount assessed finally and got back electricity connection.

Learned counsel appearing for the CESC Limited submits that, subsequent to the previous cause of action, another allegation of pilferage was levelled against the petitioner and an assessment was made in that regard. The petitioner, it is submitted, deposited the amounts assessed the second time as well as the final amount of assessment for the first pilferage and got his electricity restored.

It is submitted that, as such, there is no scope for challenging the final order of assessment in either instance.

Learned counsel for the petitioner seeks leave to prefer an appeal against the final order of assessment.

It appears from the submissions of the parties that in the present writ petition, the previous final order of assessment was never challenged by the petitioner. The petitioner's contention has all along been that the petitioner did not get a copy of the final order of assessment.

However, learned counsel for the CESC Limited, by placing reliance on the receipt annexed at page-13 of the affidavit-in-opposition filed by respondent nos.2 to 5, submits that such order was duly served on the petitioner.

Moreover, as regards the second instance of alleged pilferage/unauthorized use of electricity, the same is beyond the scope of the writ petition in any event, since such cause of action arose during pendency of the writ petition.

Be that as it may, since the dispute raised in the present writ petition stands resolved upon reconnection of the electricity to the petitioner, WPA No. 9360 of 2022 is disposed of as infructuous.

However, nothing in this order shall preclude the petitioner from preferring any challenge before any forum, if the petitioner is otherwise entitled in law to do so.

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.)