

D/L. 96.
December 16, 2022.
MNS.

WPA No. 10192 of 2022

Sudarshan Maity
Vs.
The West Bengal State Electricity
Distribution Company Limited and others

Mr. Ajoy Debnath,
Mr. Asit Kumar De

... for the petitioner.

Mr. Srijan Nayak,
Mrs. Rituparna Maitra

...for the WBSEDCL.

Learned counsel for the petitioner contends that the documents produced in the supplementary affidavit by the West Bengal State Electricity Distribution Company Limited (WBSEDCL) as regards purported service of the final order of assessment on the petitioner is not sufficient to prove such service.

A unilateral recording in the records of the WBSEDCL, it is argued, has been produced without producing the concerned postal receipt.

Learned counsel for the petitioner further points out from Annexure – R5 at page 12 of the affidavit-in-opposition filed by the WBSEDCL that, even as per the said photocopy, it is seen that the

final order of assessment was passed on May 17, 2022, whereas the copy thereof was sent to the petitioner on June 17, 2022. Therefore, obviously, the copy itself reached the petitioner subsequent to the period of appeal.

That apart, learned counsel appearing for the petitioner controverts that any opportunity of hearing was given to the petitioner.

Heard learned counsel for the parties.

The learned Advocate for the WBSEDCL places reliance on the documents as annexed to the supplementary affidavit to indicate that the provisional order of assessment was duly served on the petitioner.

Upon perusal of the records, it is evident that no postal receipt for the said communication regarding provisional order of assessment has been produced, although an extract of the records of the WBSEDCL has been produced in that context.

As such, a cloud is cast on whether the provisional order of assessment was served in time on the petitioner, more so in view of the final order of assessment having been sent one month after the date of being passed, that too, much after the filing of the writ petition itself.

In such view of the matter, WPA 10192 of 2022 is disposed of by setting aside the final order of assessment on the ground as indicated above.

The WBSEDCL shall serve a fresh notice in writing giving an opportunity of hearing to the petitioner on the provisional order of assessment and, thereafter, decide the final assessment in accordance with law.

It is expected that such exercise shall be completed expeditiously.

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.)