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07.01.2022
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WPA No.15129 of 2021

Aktar Alam @ Aktar Sk

Vs.

The West Bengal State Electricity Distribution
Company Limited and others

(Via Video Conference)

Mr. Animesh Mukherjee

.... for the petitioner

Mr. Srijan Nayak,
Ms. Rituparna Maitra

.... for the WBSEDCL

Mr. Bipin Ghosh

.... for the State

Learned counsel for the petitioner challenges an order of provisional assessment made by the Distribution Company and consequential disconnection of the electric supply to the petitioner's electric meter.

Learned counsel appearing for the petitioner submits that such assessment was made *de hors* the law and, despite an objection having been filed by the petitioner, the petitioner was not given any hearing on the same by the Distribution Company.

It is submitted by learned counsel for the Distribution Company, by placing reliance on the affidavit-in-opposition filed today in court by the Distribution Company, that the final assessment in the matter has already been made and served on the petitioner on February 20, 2020.

The affidavit-in-opposition filed in court today be kept on record.

It appears *prima facie* from a photocopy annexed to the affidavit-in-opposition with regard to final assessment bill that a purported signature of the petitioner in Bengali vernacular appears on the same. However, in view of the final order of assessment having already been made, the provisional assessment has merged in the same. As such, the remedy of the petitioner is to approach the appellate authority with a challenge against the final order of assessment.

Since the question of service of the final assessment bill on the petitioner is disputed by the petitioner, it will be open to the parties to argue on such question in connection with the appeal against the final assessment bill. All grounds of challenge to the provisional assessment as well as the final assessment, compositely, are kept open for being canvassed before the appellate authority.

If a challenge is preferred by the petitioner, the appellate authority shall decide the same upon giving adequate opportunity of hearing to all the interested parties, in accordance with law and subject to the limitation as stipulated in law.

Accordingly, WPA No.15129 of 2021 is disposed of.

Since no affidavit-in-reply is called upon by the court, it is deemed that the petitioner has not admitted any of the allegations made in the affidavit-in-opposition filed by the Distribution Company.

It is further clarified that this court has not gone into the merits of any of the questions raised by the petitioner in this court. It will be open to the parties to agitate all the points, taken in the writ petition, including the allegations as regards non-hearing of the petitioner prior to arriving at the final assessment, before the appellate authority. If so canvassed, the said authority shall decide on the same as expeditiously as possible without being influenced in any manner by any of the observations made herein.

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.)