

29th August,
2022
(AK)
69

W.P.A 19297 of 2022

Biplab Kumar Mondal
Vs.
The WBSEDCL and others

Mr. Bidyut Kr. Halder
Mr. Indranil Halder
...for the petitioner.

Dr. Madhusudan Saha Ray
...for the WBSEDCL.

Learned counsel for the petitioner submits that the concerned Station Manager of the WBSEDCL, that is, respondent no.2, is a corrupt person and has been collecting money unlawfully from several consumers.

As an extension of such unlawful act, it is alleged, a provisional assessment was made in respect of the petitioner's application for new electricity connection.

It was alleged that the petitioner is using electricity by an unauthorized connection from his neighbour's meter. However, it is submitted that such allegations are blatantly false.

It is further submitted that the said allegations prompted the petitioner to give a representation to the respondent authorities, as annexed at page-18 onwards of the writ petition, which was never disposed of.

Learned counsel for the respondents contends that the allegations made against respondent no.2 are entirely untrue.

It is submitted further that the petitioner was given due notice of the provisional assessment order, upon which the petitioner was heard and the petitioner specifically admitted his act of using unauthorized electricity from the neighbour.

Thereafter, on such admission of the petitioner, the petitioner was clamped with final assessment, in terms of which the petitioner made all payments and subsequently got electricity connection.

It is further submitted that the respondent squarely denies the allegations made by the petitioner. In fact, it is submitted that a previous representation containing other allegations in respect of the petitioner's electricity connection had been given by the petitioner, which was duly disposed of by the respondent authorities.

Upon *prima facie* perusal of the materials annexed to the writ petition, it is evident that the challenge to the provisional order of assessment has been made only in the year 2022 whereas the provisional assessment was made as long back as on June 29, 2020.

Moreover, the petitioner, as per the WBSEDCL (which is not disputed on fact by the petitioner), had already consented to the provisional order of assessment and has paid the due amount for getting an electricity connection.

Having done so, the petitioner is estopped from challenging the provisional assessment, that too, before the writ court.

Inasmuch as the allegations of corruption by the concerned Station Manager are concerned, the petitioner is free to move the appropriate Law Enforcement Authorities for taking adequate action against the said Station Master, if found guilty.

However, it is not for the writ court to go into the merits of such allegation and decide the alleged guilt or otherwise of the concerned person on the basis of affidavits.

Hence, WPA 19297 of 2022 is disposed of by granting liberty to the petitioner to approach the appropriate Law Enforcement Authorities with the allegations levelled against the respondent no.2 in the present writ petition.

No affidavits have been filed; as such, it is deemed that the allegations made in the writ petition have been refuted by the respondents.

There will be no order as to costs.

Urgent photostat copies of this order, if applied for, be given to the parties upon compliance of all requisite formalities.

(Sabyasachi Bhattacharyya, J.)