

AD-14
Ct No.09
12.09.2022
TN

WPA No. 20208 of 2022

Priti Ranjan Giri
Vs.
The State of West Bengal and others

Mr. Shaunak Ghosh,
Mr. Anindya Sundar Das,
Ms. Avipsha Sarkar

.... for the petitioner

Mrs. Rituparna Maitra

.... for the WBSEDCL

Affidavit-of-service filed today be kept on record.

Learned counsel for the petitioner raises a contention in respect of the 'final hearing order' passed by the Regional Grievance Redressal Officer. It is submitted that the said order reflects a non-consideration of the materials which are relevant to the adjudication and are based on the readings of a test-meter.

Upon hearing learned counsel for the parties, it transpires that an allegation of theft of electricity is pending in respect of the meter-in-question. In connection with the same, the final assessment was made by the order dated August 17, 2022, which has been impugned in the present writ petition.

It is well-settled that under Section 127 of the Electricity Act, 2003, the appropriate forum on fact and law is the appellate authority for taking up challenges against a final order of assessment, which has to be preferred only on payment of fifty per cent of the assessed amount.

In such view of the matter, there is no scope of the writ court interfering in the matter.

Accordingly, WPA No. 20208 of 2022 is disposed of by granting liberty to the petitioner to approach the appellate authority, subject to the law of limitation, against the order of final assessment impugned in the present writ petition.

If such an approach is made, the appellate authority shall, subject to compliance of due formalities by the petitioner, take up for hearing and decide the said appeal, if otherwise satisfied on the question of limitation, as expeditiously as possible.

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.)