

S/L. 15.
September 14, 2022.
MNS.

WPA No. 20822 of 2022

Katyani Ghosh
Vs.
The State of West Bengal and others

Mr. Wasim Ahmed,
Md. Sk. Masood
...for the State.

Mr. Debjit Mukherjee
... for the WBSEDCL.

In view of the order proposed to be passed, which will not affect detrimentally the rights and contentions of the petitioner as canvassed in the writ petition, the writ petition is taken up for hearing even in the absence of the petitioner instead of keeping it pending unnecessarily, since both the Distribution Licensee and the State are represented through counsel.

Learned counsel for the West Bengal State Electricity Distribution Company Limited (WBSEDCL) hands over a copy of an intimation for hearing fixed by the WBSEDCL with regard to the provisional assessment made in respect of the writ petitioner's electricity meter, which has been addressed to the petitioner herself.

The copy of the intimation handed over by learned counsel for the WBSEDCL be kept on record.

It transpires from the writ petition that the gamut of challenge therein is the provisional assessment bill raised against the petitioner on the ground of pilferage.

Since the law, in particular Section 126 of the Electricity Act, 2003 (2003 Act), specifically provides that the appropriate forum to decide disputes regarding provisional assessment bills is the authority as stipulated therein, there is limited or no scope of interference by the writ court in the matter.

WPA No. 20822 of 2022 is accordingly disposed of by granting liberty to the petitioner to attend the hearing fixed on September 19, 2022 at 12 noon for the purpose of passing the order of final assessment.

It is made clear that the merits of the allegations made in the writ petition have not been dealt with and it is deemed that the respondents do not admit any of such allegations. It will be open to the competent authority to decide the dispute raised by the petitioner in such hearing and/or on any adjourned date, if any,

without being influenced in any manner by any of the observations made herein.

It is further clarified that it will be open to the petitioner, if aggrieved by the final order of assessment, to take recourse of the provision of appeal provided in Section 127 of the 2003 Act.

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.)