

October 11, 2022

Vacation Bench
Sl. No.10
Court No.28
S.Banerjee/s.biswas

MAT 1619 of 2022
With
CAN 1 of 2022

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

Mr. Shaunak Ghosh,
Mr. Anindya Sundar Das,
Ms. Avipsa Sarkar, Advocates

... for the appellant

Mr. Srijan Nayak,
Ms. Rituparna Maitra, Advocates

... for the WBSEDCL

Learned counsel appearing for the appellant submits that the final assessment order dated 17.08.2022 is not an appealable one.

This is disputed by learned counsel for the respondent electricity company. He submits that the order is appealable before the ombudsman under Section 42(6) of the Electricity Act.

In view of the statutory appeal available under Section 42(6) of the Electricity Act before the ombudsman as aforesaid, we modify the order passed by the learned Single Judge and direct that the appellant shall be at liberty to prefer appeal before the ombudsman in accordance with law.

We are informed in the meantime the electric connection of the appellant has been disconnected pursuant to the notice of disconnection dated 12.09.2022.

The appellant offers to deposit the amount quoted in the notice without prejudice to his rights and contention.

In the event the appellant, without prejudice to his rights and contentions, deposits a sum of ₹26,665/- along with reconnection charges, the respondent electricity company shall forthwith reconnect the electric supply to the appellant.

With the aforesaid directions, the appeal along with connected application stands disposed of.

(Apurba Sinha Ray, J.)

(Joymalya Bagchi, J.)