

24th November,
2022
(AK)
01

W.P.A 23179 of 2022

Anukul Majhi
Vs.
The State of West Bengal and others

Mr. Tarun Kumar Sur
Mr. S. Chakraborty
...for the petitioner.

Mr. Tathagata Deb
...for the WBSEDCL.

Mr. N. Bihani
Ms. Papiya Banerjee Bihani
...for the State.

This is the first matter in the morning. When it is called on for hearing as a motion, an adjournment is sought on behalf of the petitioner.

Heard learned counsel for the State and peruses the records. By the present writ petition, an order of the Ombudsman under the Electricity Act, 2003 and a subsequent order of the District Magistrate in that regard have been challenged.

It is clearly seen from both the said orders that the petitioner had sought for a new electricity connection.

However, in the observations of both the Ombudsman and the District Magistrate, a clear case of theft had been made out against the petitioner and

provisional and thereafter final order of assessment was passed.

Since the petitioner had not deposited either amount, it was observed that the petitioner was not entitled to get back electricity connection unless he deposited such outstanding amount.

In fact, the Ombudsman as well as the District Magistrate considered the provision of Section 126 of the Electricity Act, 2003 as well as Clause 13.9 of Regulation 46 of the WBERC, the latter providing for getting new connection of supply of electricity from a licensee only upon payment of all outstanding dues to the licensee.

I do not find any jurisdictional error and/or illegality in the said orders.

The present challenge, is, hence, frivolous and does not have any merits.

Accordingly, WPA 23179 of 2022 is dismissed without any 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.)