

AD. 20.
January 5, 2022.
MNS.

(Through Video Conference)

WPA No. 23766 of 2019

Abdur Rab
Vs.
West Bengal State Electricity Distribution
Company Limited and others

Mr. Haradhan Mondal

...for the petitioner.

Mr. Sujit Sankar Koley

...for the WBSEDCL.

Learned counsel for the petitioner argues that, despite the petitioner having deposited all dues, albeit on July 21, 2018, as per the bill raised by the West Bengal State Electricity Distribution Company Limited (in short 'WBSEDCL'), for which the due date was July 6, 2018, the WBSEDCL has made a final assessment in respect of the said premises on August 6, 2018 and subsequently, on the allegation of theft of electricity, has disconnected the power supply of the petitioner.

It is argued that, in view of the dues having already been paid and 50% of the final assessment having been deposited by the petitioner in connection with a criminal proceeding initiated on the complaint of the WBSEDCL, the WBSEDCL ought to restore such electric connection to the petitioner.

Learned counsel appearing for the WBSEDCL, however, contends that the cause of action of theft was subsequent to the previous assessment made by the WBSEDCL in the year 2018 and has no nexus with the said previous assessment.

That apart, learned counsel submits that the law does not provide even for an appeal against the final assessment order at this belated stage, in view of the order of final assessment having been passed on August 6, 2018 and the dispute being time-barred.

Upon perusal of the materials on record, it is evident that the order of final assessment was passed on August 6, 2018. As such, a challenge before the appellate authority under Section 127 of the Electricity Act, 2003 is already hopelessly time-barred by now.

That apart, this Court cannot resort to conjecture and surmise in accepting the contentions made by the petitioner on the merits of the allegation of theft in a writ petition, particularly in view of the lack of any challenge to the final assessment order before the appropriate appellate authority in time.

Moreover, the allegation of theft, on the basis of which the petitioner's connection has now been severed by the WBSEDCL, has no nexus with the previous assessment made by the WBSEDCL but arises from an entirely different and subsequent cause of action.

As such, there is no scope of mixing up the payment of the petitioner on the basis of the previous assessment with the present allegation of theft, for which proceedings are also going on before the criminal court.

In such view of the matter, there is no scope of interference in the present writ petition.

Accordingly, WPA 23766 of 2019 is dismissed on contest without any 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.)