

AD-08
Ct No.09
27.02.2023
TN

WPA No. 1123 of 2023

Sri Badri Narayan Sarkar
Vs.
The West Bengal State Electricity Distribution
Company Limited and others

Mr. Atanu Biswas,
Mr. Bikram Basak

.... for the petitioner

Mr. Shouveek Roy,
Mr. Himanshu Bhawsingha

.... for the WBSEDCL

Learned counsel for the petitioner submits that due to no fault of the petitioner, since certain documents were not supplied by the West Bengal State Electricity Distribution Company Limited (WBSEDCL), the petitioner could not prefer an appeal pursuant to the direction of this court.

Learned counsel appearing for the WBSEDCL submits that although there are certain factual disputes, in principle, there was a miscommunication and the WBSEDCL is agreeable to permit the petitioner to file an appeal.

In such view of the matter, instead of going into a lengthy adjudication of the issue involved herein and/or directing affidavits, it would be beneficial for both parties for the present if the matter is disposed of

at this juncture by permitting the petitioner to prefer an appeal within a limited period from today.

Accordingly, WPA No. 1123 of 2023 is disposed of by directing the petitioner to present his appeal before the appellate authority under Section 127 of the Electricity Act, 2003 along with deposit of prerequisite amount of fifty per cent of the assessed dues by March 06, 2023. In the event the petitioner so files and deposits, the said appeal shall be entertained by the appellate authority by extending the benefit of Section 14 of the Limitation Act and treating the appeal to be filed within the limitation period. Thereafter, the appellate authority shall adjudicate the issues involved in accordance with law upon giving adequate opportunity of hearing to all the parties 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.)