

D/L. 18.
February 16, 2023.
MNS.

WPA No. 3339 of 2023

Katyani Ghosh
Vs.
The State of West Bengal and others
Mr. Ravi Ranjan Kumar
... for the petitioner.

Ms. Jayeeta Sinha,
Mr. Sandip Mandal
...for the State.

Mr. Debjit Mukherjee
...for the WBSEDCL.

A preliminary objection is taken, at the outset, by learned counsel for the West Bengal State Electricity Distribution Company Limited (WBSEDCL) to the effect that an appeal lies under Section 127 of the Electricity Act, 2003 (2003 Act) against the final order of assessment, which has been challenged in the present writ petition.

Learned counsel appearing for the petitioner seeks leave to prefer such appeal.

It is unfortunate that the present writ petition has been filed in a frivolous manner, despite the writ petitioner herself having annexed to it the order dated September 14, 2022 passed in WPA No. 20822 of 2022, where it was categorically observed that it will

be open to the petitioner, if aggrieved by the final order of assessment, to take recourse to the provision of appeal provided in Section 127 of the 2003 Act.

In fact, in view of the petitioner being in full knowledge of such relief being available to the petitioner, the present application is an absolute waste of precious court time of other litigants.

However, only keeping in view the fact that the petitioner is a housewife and belongs to a family which, according to learned counsel for the petitioner, makes its livelihood by cultivation, no cost is being imposed against the petitioner. However, the petitioner is cautioned not to file such frivolous applications in future.

WPA No. 3339 of 2023 is, accordingly, disposed of by granting the petitioner liberty to file an appeal under Section 127 of the 2003 Act against the final order of assessment raised by the WBSUEDCL, subject to the law of limitation and, if so filed, the same shall be decided in accordance with law by the competent authority.

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.)