

30th March,
2023
(AK)
02

W.P.A 7182 of 2023

Jyoti Sharma
Vs.
Calcutta Electricity Supply Corporation Ltd. and others

Mr. Falguni Bandyopadhyay
Ms. Riya Ballav
...for the petitioner.

Dr. Madhusudan Saha Ray
...for the CESC Limited.

The petitioner was given the liberty vide order dated January 9, 2023 passed in WPA 28448 of 2022, to challenge the final order of assessment raised against the petitioner in accordance with law and subject to the law of limitation.

However, despite such appeal having been preferred, it is submitted on behalf of the petitioner, no steps have been taken thereon by the respondent authorities.

Learned counsel appearing for the CESC Limited places reliance on Annexure P11 at page-28 of the writ petition which is purportedly a representation given by the petitioner to the Loss Control Cell of the CESC Limited on January 31, 2023.

It is submitted that the said representation does not amount to an appeal as envisaged in law. The submission of the CESC Limited is absolutely justified.

Section 127 of the Electricity Act, 2003 clearly provides for an appeal against the appellate authority which has been designated.

Moreover, the pre-condition of such preference of an appeal is deposit of fifty per cent of the amount assessed. The petitioner having not complied with the same, it cannot be said that the respondents were at fault in any manner whatsoever.

Hence, there is no scope of interference in the present writ petition.

Accordingly, WPA 7182 of 2023 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.)