

AD-07
Ct No.09
15.05.2023
TN

WPA No. 10377 of 2023

Debabrata Chowdhury
Vs.
West Bengal State Electricity Distribution Company
Limited and others

Mr. Sourav Chatterjee,
Mr. Soumya Nag
.... for the petitioner

Mr. Srijan Nayak
.... for the WBSEDCL

Despite service, none appears for the respondent no.5, which is the appellate authority concerned in the present case.

Learned counsel for the petitioner places reliance on an order dated March 02, 2023 passed by this court in WPA No. 4434 of 2023, wherein liberty was given to the present petitioner to challenge a final order of assessment in an appeal under Section 127 of the Electricity Act, 2003, subject to compliance of due process of law.

It is contended that although the petitioner, pursuant to the said order, tendered the appropriate pre-appeal statutory deposit required to be made, the same was initially refused. Thereafter, upon a written complaint, the same was accepted. However, the appeal of the petitioner is not being registered formally

by the said authority, that is, respondent no.5, nor is any number of the said appeal being provided to the petitioner.

In the absence of respondent no.5 despite service, there is no other option but to decide the writ petition in absence of the said respondent.

WPA No. 10377 of 2023 is allowed, thereby directing the respondent no.5 to immediately register the appeal preferred by the petitioner against the final order of assessment and issue a number of the said appeal upon generating the same. Such number shall be communicated along with the next date of hearing to the petitioner by the respondent no.5 within a fortnight from the date of communication of this order to the said authority. The petitioner shall communicate a server copy of this order along with a covering letter of the learned Advocate for the petitioner to the respondent no.5 for the purpose of compliance of this direction.

It is made clear that, prior to hearing the said appeal, the appellate authority shall also consider and decide in accordance with law the application for condonation of delay in preferring the said appeal filed by the petitioner.

It is made clear that adequate opportunity of hearing shall be given to the petitioner on the

application for condonation of delay and, if allowed, thereafter on the appeal itself.

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.)