

D/L. 3.
May 12, 2023.
MNS.

WPA No. 11070 of 2023

Sk. Nisar Ahmad and another
Vs.
CESC Limited and another

Mr. Bidyut Kumar Halder,
Mr. Indranil Halder,
Ms. Srabanti Das

... for the petitioners.

Mr. Rajiv Lall

...for the CESC Limited.

Learned counsel for the petitioners seeks a reference to the Lok Adalat for the purpose of resolution of the dispute amicably.

However, learned counsel for the CESC Limited reiterates his submission of the previous date to the effect that in order to bypass the remedy under Section 127 of the Electricity Act, 2003 (in short “2003 Act”), particularly to avoid the time-bar stipulated therein, the petitioners are seeking to move the matter before the Lok Adalat and seeks a reference to the Lok Adalat.

It *prima facie* appears from the dispute herein that the same pertains to a final order of assessment raised by the CESC Limited under Section 126 of the 2003 Act.

Since a specific remedy of appeal has been provided under Section 127 of the 2003 Act, this Court chooses not to interfere with the impugned order.

As such, there is no question of referring the matter to the Lok Adalat at this stage.

However, WPA No. 11070 of 2023 is disposed of by granting liberty to the petitioners to prefer an appeal under Section 127 of the 2003 Act to the appellate authority within a week from date.

If such an appeal is preferred within a week from date, the appellate authority shall consider the delay of few days sympathetically.

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.)