

12.10.2023
Item No.12
gd/ssd

FMA/691/2023
IA NO: CAN/1/2023
GOUTAM PAUL
VS
THE CALCUTTA ELECTRICITY
SUPPLY CORPORATION LIMITED AND ORS.

Mr. Chittapriya Ghosh,
Mr. Kuntal Ray
..for the Appellant.

Dr. Madhusudan Saha Ray
..for the Respondent Nos.1, 3 and 5.

1. This intra court appeal is directed against the order dated 18th April, 2023 passed by the lerned Single Bench in WPA 8782 of 2023.

2. On the basis of an inspection made by the competent authorities under the Electricity Act, 2003, a provisional assessment under Section 126 of the Act was made.

3. The appellant objected to the provisional assessment and thereafter a final order of assessment under Section 126 of the Electricity Act, 2003 was passed.

4. Challenging the order of final assessment, the appellant preferred an appeal under Section 127 of the Act which was also dismissed by an order dated 9th March, 2023. Before the appellate authority the appellant herein raised the specific objection that the assessing officer was not present at the time of inspection.

5. The appellate authority, by an order dated 9th March, 2023, on the basis of the available documents and after hearing the learned advocates for the respective parties held that the two parameters i.e. rate and period of commencement was justified and, therefore, no alteration of the final bill was necessary.

6. Such order of the appellate authority dated 9th March, 2023 was challenged by the appellant by filing a writ petition being No.8782 of 2023. Before the learned Single Judge also the appellant raised a specific objection that the assessing officer was not a part of the inspection team.

7. However, after going through the Inspection Report this court finds that the learned Single Judge was right in holding that the inspection team comprised of experts in the field including the assessing officer as well as the authorised officer. It was further observed by the learned Single Judge that after detection of the unauthorised use/theft of electricity, an order to that effect was passed.

8. This court, therefore, do not find any infirmity in the order passed by the learned Single Judge.

9. Accordingly, the appeal and the application stand dismissed.

10. There shall be, however, no order as to costs.

11. Urgent certified copy of this order, if applied for, be given to the learned advocates for the parties on usual formalities.

(T. S. SIVAGNANAM)
CHIEF JUSTICE

(HIRANMAY BHATTACHARYYA, J.)