

AD-08
Ct No.09
16.06.2023
TN

WPA No. 13178 of 2023

Utpal Ghosh
Vs.
The State of West Bengal and others

Mr. Anindya Bose,
Mr. Santanu Maji

.... for the petitioner

Mr. Jahar Dutta,
Mr. Bipin Ghosh

.... for the State

Dr. Madhusudan Saha Roy

.... for the WBSEDCL

Affidavit-of-service filed today be kept on record.

Learned counsel for the petitioner submits that despite the specific mandate of Section 126 of the Electricity Act, 2003 (hereinafter referred to as “the 2003 Act”), the respondent-licensee, after raising a provisional assessment order, failed to serve any copy of the final assessment to the petitioner. The petitioner has already applied to the West Bengal State Electricity Distribution Company Limited (WBSEDCL) for being given a hearing on the provisional assessment, but in vain.

Learned counsel appearing for the WBSEDCL controverts such allegations and submits that not

only was a notice of hearing on the provisional order of assessment sought to be given to the petitioner duly, a similar notice was also sought to be given of the final order of assessment which has been subsequently passed in due process of law. However, on both instances, the representative of the writ petitioner refused to accept such notice. Hence, there is no irregularity on the part of the WBSEDCL.

Be that as it may, since a copy of the final order of assessment is also handed over in court today by learned counsel for the WBSEDCL to his counterpart appearing for the petitioner, the remedy before the petitioner now is to prefer a challenge against the same in due process of law.

Accordingly, WPA No. 13178 of 2023 is disposed of by granting the petitioner liberty to challenge the final order of assessment passed against the petitioner before the appropriate appellate authority under Section 127 of the Electricity Act, 2003.

It is made clear that in view of the pendency of the writ petition, the period elapsed in pendency of the present writ petition shall be deemed to be deducted from the limitation period for preferring such appeal.

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.)