

A-11
Ct No.09
06.07.2023
TN

WPA No. 14857 of 2023

Arindam Nandi and another

Vs.

The Assistant Engineer of Station Manager, Galsi
Customer Care Centre, WBSEDCL and another

Mr. Arindam Mitra,
Mr. Amit Halder,
Mr. Md. Wasim Akram,
Ms. Susmita Mazumdar

.... for the petitioners

Despite service, none appears for the respondents at the time of call. The petitioners submit that first a provisional order, then a final order of assessment, was raised on the allegation of unauthorized use of electricity in respect of the petitioners' electricity connection. The petitioners have already deposited fifty per cent of the assessed amount. As such, the petitioners seek a reconnection of the supply till the appeal filed by the petitioners against the final order of assessment is disposed of.

Unfortunately, the statute does not permit such discretion to the court, since Section 126 of the Electricity Act, 2003 (for short "the 2003 Act") is clear on the issue as to restoration being given only upon payment of the entire amount assessed. A composite

reading of Section 126 along with Section 135(1A) of the 2003 Act does not permit such option. In fact, deposit of fifty per cent is contemplated merely as a pre-condition for preferring an appeal under Section 127, the benefit of which has already been taken by the petitioners.

However, since the petitioners have given a representation to that effect, liberty ought to be granted to the petitioners to make a similar prayer before the appellate forum, since the matter is now *sub judice* before the said forum.

Accordingly, WPA No. 14857 of 2023 is disposed of by granting the petitioners the liberty to approach the appellate forum, before which the petitioners' appeal under Section 127 of the 2003 Act is pending, for the purpose of getting instalments and a reconnection upon payment of the first of such instalments. It is made clear that the merits of such application, if made before the appellate forum, have not been gone into by this court and it will be open to the said forum to decide the same in its own discretion.

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.)