

AD-18
Ct No.09
25.07.2023
TN

WPA No. 16650 of 2023

Rabi Sadhan Maji
Vs.
West Bengal State Electricity Distribution Company
Limited and others

Mr. D.N. Bose,
Mr. Sujit Chowdhury

.... for the petitioner

Mr. Debjit Mukherjee

.... for the WBSEDCL

Learned counsel for the petitioner contends that the petitioner's mother is ninety-one years old and is suffering from various cardiac, as well as other, ailments. The mother of the petitioner has a pacemaker and is suffering severely due to disconnection of electricity. It is submitted that the petitioner has already deposited fifty per cent of the assessed amount and be given a restoration of the electricity connection at the earliest.

It is also submitted by the petitioner that the petitioner, being aggrieved by the final order of assessment on the allegation of unauthorized use of electricity, has preferred an appeal before the appellate authority under Section 127 of the Electricity Act, 2003 which has already been heard finally.

Upon hearing learned counsel for the parties, it transpires that it is too late in the day to consider the prayer for instalment, since the petitioner has already preferred an appeal, in respect of which the hearing has also been concluded by the appellate authority. The outcome of the said appeal is yet uncertain. At best, the appellate authority may be directed to dispose of the said appeal at an early date.

That apart, if the petitioner does not get a favourable order in the appellate forum, the petitioner, in any event, will be at liberty to approach the Distribution Licensee to pray for further instalments, subject to the discretion of the Licensee.

WPA No. 16650 of 2023 is, accordingly, disposed of by directing the appellate authority to pass its final order on the appeal preferred by the petitioner as expeditiously as possible, positively within a week from the date of communication of this order to the said authority.

It is made clear that the petitioner will be at liberty, after knowing the outcome of the appeal, if further necessary, to pray for instalments before the WBSEDCL for clearing off the amount as directed to be paid by the appellate authority. If such an application is filed by the petitioner, the WBSEDCL shall consider the same sympathetically, keeping in

view the advanced age and the physical condition of the petitioner's mother. However, it will be within the discretion of the Distribution Licensee to decide on such application, if so made.

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.)