

D/L. 21.
December 22, 2023.
MNS.

WPA No. 23232 of 2023

Umakanta Jana
Vs.
West Bengal State Electricity Distribution
Company Limited and others

Mr. Anubrata Dutta

... for the petitioner.

Mr. Sujit Sankar Koley

...for the WBSEDCL.

1. An adjournment is sought on the ground of illness of learned counsel for the petitioner.
2. Learned counsel for the West Bengal State Electricity Distribution Company Limited (WBSEDCL) points out that in previous order dated February 27, 2023 annexed at page 22 of the writ petition, this Court had granted leave to the petitioner to prefer a challenge against the final order of assessment under Section 127 of the Electricity Act, 2003 (2003 Act) before the appropriate forum.
3. Although the petitioner has approached the said forum, the petitioner did not deposit the mandatory pre-requisite of 50% of the

assessed amount, for which the appellate authority has kept the appeal pending.

4. As such, it is evident that there is no scope of any adjudication in the present writ petition. However, the merits of the allegations in the writ petition otherwise are not gone into.
5. WPA No. 23232 of 2023 is disposed of by granting liberty to the petitioner to deposit the 50% of the assessed provisional amount in terms of Section 127 of the 2003 Act before the Appellate Authority.
6. Upon such deposit being made, the appellate authority shall proceed with the final adjudication of the said appeal and come to a conclusion in accordance with law.
7. There will be no order as to costs.
8. 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.)