

AD-46
Ct No.09
19.10.2023
TN

WPA No. 25191 of 2023

Suman Mishra
Vs.
The West Bengal State Electricity Distribution
Company Limited and another

Mr. Saikat Chatterjee,
Mr. Jisan Iqubal Hossain,
Mr. Puranjan Pal,
Ms. Chandrima Debnath

.... for the petitioner

Mr. Kanak Kiran Bandopadhyay

.... for the WBSEDCL

- 1.** The petitioner runs a commercial establishment/restaurant at the concerned premises.
- 2.** The present challenge has been preferred against a final assessment within the contemplation of Section 126 of the Electricity Act, 2003 on an allegation of unauthorized use of electricity by the petitioner.
- 3.** Learned counsel for the petitioner submits that since the petitioner is running commercial establishment which will suffer a huge loss due to disconnection of electricity in the festive season, the petitioner's connection be restored upon deposit of 50 per cent of the assessed amount for the time being.

4. Heard learned counsel for the parties.
5. The provisions of Section 126, read in conjunction with Section 135 of the said Act, clearly stipulate that for getting a restoration of electricity connection if disconnected on the allegation of pilferage/unauthorized use, the consumer has to deposit the entire assessed amount.
6. In Section 127 of the said Act, a provision of appeal is available to an aggrieved consumer against the order of final assessment, subject to the consumer depositing 50 per cent of the entire amount of assessed bill.
7. Since the pre-condition of preferring an appeal itself is 50 per cent deposit of the amount assessed, the same cannot be equated with a larger relief, being the restoration of the electricity connection of the petitioner.
8. The scheme of the statute is clear in that regard and there is no scope of deviation from the same, since the petitioner, being a commercial establishment, is not entitled to any special relief, which would be appropriate in case of an indigent or financially deprived person.
9. Hence, there is no scope of interference in the writ petition.

- 10.** Accordingly, WPA No. 25191 of 2023 is dismissed with liberty, however, to the petitioner to challenge the final order of assessment by way of a regular appeal under Section 127 of the 2003 Act. If so filed, the same will be considered by the appellate authority subject to the law of limitation and in accordance with law subject to the petitioner depositing the pre-requisite of 50 per cent of the assessed amount.
- 11.** Nothing in this order, however, shall preclude the petitioner from depositing the entire assessed amount with the Distribution Licensee and the necessary reconnection charges, in which case, the Distribution Licensee shall restore the electricity connection to the petitioner in accordance with law.
- 12.** 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.)