

IN THE HIGH COURT AT CALCUTTA  
CONSTITUTIONAL WRIT JURISDICTION  
APPELLATE SIDE

W.P.A. No. 28451 of 2022

Mansur Ali Khan  
Vs.  
West Bengal State Electricity  
Distribution Company Limited & Ors.

Mr. P Basu,  
Mr. Raja Biswas,  
Mr. Abhijit Sarkar  
... for the petitioner

Ms. Susmita Chatterjee  
...for the WBSEDCL

Learned counsel appearing for the petitioner files a supplementary affidavit, which be kept on record, to disclose certain further developments. A copy thereof is served here and now on the learned advocate appearing for the West Bengal State Electricity Distribution Company Limited (WBSEDCL).

It is contended that during pendency of the writ petition, which challenges a provisional order of assessment raised by the WBSEDCL under Section 126 of the Electricity Act, 2003, a final order of assessment has also been passed, as mentioned in the supplementary affidavit.

The ground of challenge to the assessment is primarily that during the natural calamity *Umphan*, the electricity connection from the local transformer to petitioner's meter was disrupted. Despite several

requests of the petitioner, the WBSEDCL could not address the said issue since the *Umphan* had affected several parts of the concerned locality in the district of South 24-Parganas simultaneously and also due to the pandemic, which took place in the meantime.

Hence, upon specific request of the WBSEDCL itself, the petitioner had to take necessary measures to repair the line-in-question, which was labelled as 'tampering' subsequently.

Be that as it may, since the petitioner has made certain allegations on facts, which are denied by learned counsel for the WBSEDCL on merits, the writ court is not the appropriate forum to decide such issue upon sifting through materials on record relevant to the issue.

It is further submitted by learned counsel for the WBSEDCL that the petitioner admitted the dues at the time of hearing of the provisional order of assessment and requested the amount to be reduced.

However, the petitioner is not satisfied with the amount to which it was reduced.

Be that as it may, W.P.A. No. 28451 of 2022 is disposed of by granting liberty to the petitioner to prefer a challenge against the final order of assessment before the appellate authority, as designated under Section 127 of the Electricity Act, 2003.

If such an appeal is preferred, the same will be decided as expeditiously as possible in accordance with law and subject to the period of limitation, upon giving opportunity of hearing to all concerned, including the petitioner, preferably within eight weeks from the date of such challenge being preferred by the petitioner to the concerned appellate authority.

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 of all necessary formalities.

(Sabyasachi Bhattacharyya, J.)