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IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

W.P.A. No. 809 of 2024

Sankar Prasad Ghosh
Vs.
West Bengal State Electricity
Distribution Company Limited & Ors.

Mr. Ranajit Chatterjee,
Mr. Nilratan Banerjee,
Mr. Victor Chatterjee
...for the petitioner

Dr. Madhusudan Saha Roy
...for the WBSEDCL

1. The petitioner challenges a final order of assessment made on the allegation that the petitioner was guilty of unauthorized use of electricity.
2. Learned counsel for the petitioner contends that the petitioner has given a representation to the Distribution Licensee indicating that the petitioner is suffering from a serious heart condition and has to be on medical equipment.
3. It is submitted that the amount claimed was exorbitant. Learned counsel submits that even as per the final order of assessment, the alleged load used by the petitioner was 21.9 K.V.A., which is palpably exorbitant, since a small family like that of the petitioner, could not, by any stretch of imagination, use such heavy load for a domestic connection.

4. It is further argued that the petitioner could not attend the hearing on the provisional order of assessment since his anticipatory bail was to be taken up on the same date.

5. It is argued that the exorbitant amount claimed from the petitioner is entirely beyond the means of the petitioner and ought to be interdicted by this Court.

6. Learned counsel for the West Bengal State Electricity Distribution Company Limited (WBSEDCL) submits that the petitioner has filed the writ petition as a dilatory tactics. The final order of assessment took place in the year 2022 when itself the disconnection of the electricity supply of the petitioner took place. For two long years, it is argued, the petitioner was sitting tight over the matter and has only come up with the present challenge now.

7. If the petitioner was aggrieved, the appropriate remedy for the petitioner lay before the appellate authority under Section 127 of the Electricity Act, 2003.

8. It is further argued by the WBSEDCL that the petitioner's son was also guilty of overdrawing, on which count the petitioner has paid the due charges.

9. Despite having sympathy for the current condition of the petitioner, even a prospective

appeal, which is provided for under the statute, that is, under Section 127 of the 2003 Act, is hopelessly time-barred now.

10. The final order of assessment was passed in the year 2022, whereas the present writ petition has been filed only in the year 2024. It is well-settled that what the petitioner cannot get directly in law, cannot be granted indirectly, particularly by the writ court sitting in the writ jurisdiction, which does not have the trappings of a civil court to ascertain factual allegations and counter-allegations upon taking evidence.

11. It is, now, too late in the day for the petitioner to challenge the final order of assessment, having failed to avail of the necessary provisions of appeal or having preferred any other challenge within a reasonable time.

12. Thus, the writ court cannot interfere with the final order of assessment made by the WBSEDCL.

13. In such view of the matter, W.P.A. No. 809 of 2024 is dismissed without any order as to costs.

14. It is made clear that nothing in this order shall prevent the petitioner from approaching the WBSEDCL seeking installments in paying off the dues.

15. If so approached, the WBSEDCL, it is expected, shall deal with the same sympathetically, keeping in view the current condition of the petitioner and

his family and decide on the said issue at the earliest.

16. 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.)