

AD-26
Ct No.09
26.02.2024
TN

WPA No. 945 of 2024

Mrs. Indrani Goswami and another
Vs.
The State of West Bengal and others

Mr. Amritam Mandal,
Mr. Arindam Samanta,
Mrs. Ananya Chakraborty
.... for the petitioners

Mr. Pradip Kumar Mondal,
Mr. Bishnu Pada Jana
.... for the State

Dr. Madhusudan Saha Roy
.... for the CESC Limited

1. Affidavit-of-service filed today be kept on record.
2. The petitioners allege that the CESC personnel raided the petitioners' property without prior notice and on allegation of tampering, raised provisional assessment. Thereafter, a final assessment was also made against which the petitioners approached before a wrong forum. Subsequently, upon the said forum having turned down the petitioners' challenge on the ground of jurisdiction, the petitioners also obtained anticipatory bail on the criminal allegations made regarding unauthorized use of electricity by deposit of fifty per cent of the dues as pre-condition for such anticipatory bail.

- 3.** It is submitted that the manner in which the assessment was done was illegal.
- 4.** However, learned counsel appearing for the CESC Limited controverts the allegations made by the petitioners and submits that the petitioners came to know long back on December 18, 2023, when the appeal filed before the wrong forum was rejected, that the petitioners were to prefer an appeal before the appropriate forum but they sat tight over the matter.
- 5.** That apart, the other allegations are also refuted.
- 6.** Be that as it may, since the appropriate remedy of the petitioners lies before the appellate authority under Section 127 of the Electricity Act, 2003, the purpose of justice would be sub-served if the petitioners are permitted to go before the said forum.
- 7.** Taking a sympathetic view since the petitioners argue that the petitioners have a son who is going to take the higher secondary examinations, the time spent by the petitioners in the erroneously pursuit of their appeal before a wrong forum is condoned.
- 8.** The limitation shall be deemed to commence from today onwards for preferring an appeal. If such an appeal is preferred by the petitioners, the same will be decided in accordance with law

subject to compliance of all formalities by the petitioners.

- 9.** It is made clear that this order shall not act as a precedent, since it has been passed in the peculiar facts and circumstances of the case.
- 10.** WPA No. 945 of 2024 is, accordingly, disposed of.
- 11.** There will be no order as to costs.
- 12.** 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.)