

Item No.11
28.06.2024
Court. No. 9
GB

W.P.A. 6924 of 2024

Md. Zahiruddin & Anr.
Vs.
The State of West Bengal & Ors.

Mr. Sujoy Chakraborty,
Ms. Shashwati Bhattacharjee

...for the Petitioners.

Dr. Madhusudan Saha Roy

...for the WBSEDCL.

1. The petitioners allege wrongful disconnection of electricity and illegal preparation of provisional assessment bill as also the final assessment bill. According to the petitioners, the consumer ID mentioned in the order of provisional assessment as also in the final assessment, were incorrect. The customer I.D. number of the disconnected meter which had been allowed to the petitioners' father, had been wrongly mentioned. The meter was being used by the petitioner. It is submitted that the authority had created a document only to extract money from the petitioners, without actually making any inspection of the premises in question. The allegation of theft was false and concocted.
2. Reference has been made to certain bills to point out the discrepancy in the consumer ID number. It is further stated that the connected load of the supply line was much less than what was recorded in the provisional assessment as also the final assessment.

3. Mr. Saha Roy, learned advocate appearing on behalf of the West Bengal State Electricity Distribution Company Limited submits that the final bill has been prepared. The petitioners did not ever raise such issue before the assessing authority at the hearing conducted before the final assessment. It is further contended that the connected load which was found at the time of inspection, was the basis for calculation of the provisional assessment and the final assessment as per Clause 5.1 of Regulation No.55/WBERC. It is submitted that the allegations are not borne by the record, but raised for the first time before this court.
4. Upon perusal of the representation filed by the petitioners before the authorities prior to the final assessment, it appears to this Court that the discrepancy in the consumer ID number was not raised. On the other hand, the petitioners contended before the authority that on October 11, 2023, a team from the office visited the residential premises as also the shop and forcefully made them sign some papers. Thereafter, provisional bill was raised. Asansol (south) Police Station Case No.361 of 2023 dated October 11, 2023 was registered on the basis of the complaint of the authorities. The police authorities called the petitioners by notice under Section 41A of the Cr.P.C. On November 18, 2023 the supply line was restored and again on December 22, 2023 the supply line was

disconnected without any inspection. The bills were alleged to be illegal and arbitrary.

5. Neither the question of excessive load nor the argument advanced before this Court that there was no physical inspection, but an arbitrary and fabricated bill had been prepared by the authorities to extract money in respect of a wrong customer I.D. number, are found in the representation made by the petitioners.
6. Under such circumstances, this factual aspect cannot be decided by the Court. The petitioners have the remedy of filing a statutory appeal. The petitioners are at liberty to avail of the remedy before the appellate authority. The petitioners will prefer an appeal within a period of two weeks from date and the petitioners will be at liberty to take all points before the appellate forum.
7. Accordingly, the writ petition is disposed of.
8. However, there will be no order as to costs.
9. All the parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)