

28.06.2024
Sl. No.15(DL)
srm

W.P.A. No. 7661 of 2024
Gobinda Chandra Mondal
Versus
The Director (HR), WBSEDCL & Ors.

Mr. Ashirbad Sarkar
...for the Petitioner.

Ms. Susmita Chatterjee
...for the CESC Ltd.

1. Affidavit-of-service is taken on record.
2. The writ petition is not maintainable.
3. The petitioner was charged with theft of electricity.
Inspection was held. The provisional bill was raised. The petitioner prayed for a hearing, before the final assessment was made. Hearing was granted to the petitioner. The final assessment order was also made. In the order of final assessment, the penal amount was considerably reduced. The petitioner paid the entire amount in two instalments. The petitioner filed a statutory appeal.
4. It is contended that the petitioner was wrongly charged with the offence of theft of electricity and he should be refunded the money.

5. Records reveal that the petitioner approached this Court under Section 401 read with Section 482 of the Code of Civil Procedure by filing CRR 3461 of 2023, for quashing of the criminal. In the proceeding, a report was filed by the West Bengal State Electricity Distribution Company. The report reflected that compounding charges of Rs.16,000/- had already been deposited. Accordingly, further proceedings in Special Case No.234 of 2023 arising out of Ausgram Police Station Case No.148 of 2023 under Section 135(1)(a)(b) of the Electricity Act which was pending before the learned Judge, Special Court (I.E. Act), Burdwan, was quashed.
6. The order dated December 7, 2023, indicates that the petitioner had accepted his involvement in the act of theft and hence paid the compounding charges apart from paying the entire final assessment. Accordingly, Special Case No.234 of 2023 arising out of Ausgram Police Station Case No.148 of 2023 was quashed.
7. Under such circumstances, no order can be passed in the writ petition.
8. The writ petition is, thus, disposed of.
9. There shall be no order as to costs.

10. Parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)