

09
06.11.2024
d.p.

**In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

W.P.A 15273 of 2024

**Swapan Ghosh
-versus
The West Bengal State Electricity
Distribution Company Limited & Anr.**

**Mr. Satrajit Sinha Roy,
Mr. Supriyo Ghosh,
Ms. Susmita Adhikary.
...For the Petitioner.**

**Dr. Madhusudan Saha Roy.
...For WBSEDCL.**

1. Affidavit-of-service filed in Court today is taken on record.

2. The petitioner operates a submersible pump. He was detected with the offence of pilferage of energy. A First Information Report was lodged before the police station.

3. A provisional assessment bill was raised followed by final assessment bill which the petitioner accepted and made payment. A letter by the petitioner addressed to the Station Manager admitting his guilt and offence is annexed to the writ petition.

4. Learned advocate appearing on behalf of the petitioner submits that the letter of the petitioner was obtained on coercion and undue influence. The petitioner had to sign the subject letter under duress. Payment had to be made by the petitioner or else the electricity connection would not have been reconnected.

5. A legal representation on behalf of the petitioner was forwarded through speed post to the Station Manager on 22nd April, 2024.

6. The petitioner prays for leave to challenge the assessment order.

7. Upon hearing the submissions made on behalf of both the parties and upon perusal of the materials on record, it does not appear that the petitioner initially intended to challenge the assessment orders. In fact, he made payment of the assessed amount. It is thereafter that the petitioner was advised to file a legal representation to reopen the case.

8. It appears that the submission of the legal representation is a sheer afterthought. Once the petitioner made payment upon acceptance of his offence, the prayer of the petitioner to challenge the assessment order cannot be accepted.

9. The writ petition fails and is hereby dismissed.

10. Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Amrita Sinha, J.)