

25.06.2024
Sl. No.5(DL)
srm

W.P.A. No. 18613 of 2023

Golam Rabbani

Versus

The State of West Bengal & Ors.

Mr. D.N. Chatterjee,
Mr. P.K. Biswas,
Mr. P. C. Podder,
Mr. S. Mondal

...for the Petitioner.

Mr. Debjit Mukherjee

...for the WBSEDCL.

Mr. Somnath Ganguli, Id. AGP
Ms. Priyamvada Singh

...for the State-respondents.

1. Affidavit-of-service is taken on record.
2. The petitioner has challenged the provisional bill which was raised by the Assessing Officer and Station Manager, Kandra Customer Care Centre, Burdwan on April 11, 2023 being Annexure P4 to the writ petition.
3. According to the authority, an inspection of the premises was made, when it was found that the petitioner was enjoying electricity dishonestly, by bypassing the meter. An FIR was lodged with Ketugram Police Station. The assessing officer came to the conclusion that the

petitioner was liable to pay the provisionally assessed amount. The amount was the best judgment assessment of the authority, made in accordance with Section 135(1) (b) of the Electricity Act, 2003. The provisionally assessed amount of Rs.3,20,288/- was claimed. The calculation sheet was also annexed to the said notice. The petitioner was asked either to deposit the amount or to file objection before the authority, within ten days from receipt thereof.

4. It appears that the petitioner has filed a representation, but the same has not yet been disposed of.
5. Mr. Debjit Mukherjee, learned Advocate for the West Bengal State Electricity Distribution Company Limited submits that the final assessment has not yet been done, because the petitioner did not appear before the authority to support his objection.
6. Under such circumstances, the petitioner is granted liberty to file a composite objection to the provisional assessment within a period of two weeks from date and the assessing officer shall consider the said objection and dispose of the same upon granting opportunity of hearing to the petitioner and also upon considering the relevant law applicable to the facts of the case. The final

assessment will be made and the order of final assessment shall be served upon the petitioner, within a month from receipt of the petitioner's representation. If the petitioner is aggrieved, he will be entitled to prefer a statutory appeal, in accordance with law.

7. The writ petition is, thus, disposed of.
8. There shall be no order as to costs.
9. Parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)