

2nd May,
2024
(AK)
05

W.P.A 27838 of 2023

Md. Abdul Gaffar alias Abdul Gaffar Mondal
Vs.
West Bengal State Electricity Distribution/Transmission
Company Limited and others

Mr. Q.A.M. Firoz

...for the petitioner.

Mr. Sujit Sankar Koley

...for the WBSEDCL.

1. Affidavits-in-opposition and reply filed in court today be kept on record.
2. Learned counsel for the petitioner argues that a provisional bill was raised and the hearing done in close succession.
3. It is argued that the petitioner was made to sign the representation which has been annexed to the affidavit-in-opposition.
4. It is, thus, argued that the entire consideration was vitiated and ought to be set aside.
5. Learned counsel for the WBSEDCL places reliance on the representation given by the petitioner, annexed at page-15 of the affidavit-in-opposition.
6. In such representation dated March 15, 2023, it is clearly evident that the petitioner has written in Bengali vernacular, which is the mother tongue of the petitioner, that the petitioner seeks a reduction

of the amount assessed. The document is also signed by the petitioner and is a virtual admission of the amount assessed.

7. Although certain allegations are made by the petitioner to the effect that the petitioner was made to sign the minutes of the hearing, there are no particulars of pleading as contemplated in order VI Rule 4 of the Code of Civil Procedure, to indicate as to exactly how such fraud was perpetrated by the WBSEDCL authorities.
8. In the absence of any such particular pleadings and/or any complaint before any investigating authority by the petitioner, it cannot be accepted that the petitioner was made to sign the minutes forcibly.
9. Moreover, in view of the representation, the petitioner is not entitled to reopen the issue by preferring the present challenge.
10. In fact, it is evident from the order passed by the Appellate Authority under Section 127 of the Electricity Act, 2003, that the said authority took into consideration the relevant aspects of the matter and passed a reasoned order.
11. It is well settled that in a challenge, particularly under Article 226 of the Constitution, it is not for the writ court to substitute its own views for that of the Appellate Authority.

12. I do not find any irregularity palpable from the order of the Appellate Authority to vitiate the decision-making process.
13. Accordingly, there is no scope of any interference.
14. Hence, WPA 27838 of 2023 is dismissed on contest without any order as to costs.
15. Urgent photostat copies of this order, if applied for, be given to the parties upon compliance of all requisite formalities.

(Sabyasachi Bhattacharyya, J.)