

D/L. 22.
February 7, 2024.
MNS.

WPA No. 28591 of 2023

Jiban Krishna Das
Vs.
The West Bengal State Electricity Distribution
Company Limited and others

Mr. Bhaskar Chandra Manna

... for the petitioner.

Mr. Sujit Sankar Koley

...for the WBSEDCL.

1. The petitioner complains that the petitioner was enjoying electricity connection when inflated bills were raised. The petitioner disputed such bills and preferred a writ petition. As per the order of the writ court, some amount was deposited by the petitioner. Subsequently, however, the writ petition was disposed of by granting liberty to the petitioner to approach the appellate authority under Section 127 of the Electricity Act, 2003 (2003 Act).
2. The petitioner complains that during pendency of the appeal, the electricity connection has been disconnected by the West Bengal State Electricity Distribution Company Limited (WBSEDCL) giving rise to the present writ petition.

3. Learned counsel for the WBSEDCL submits that the order of the writ court was clear as to the remedy of the petitioner being before the appellate authority, which has not been availed of by the petitioner. The petitioner however has preferred an appeal against the order of the learned Single Judge, which is now pending.
4. It transpires that there is no illegality *prima facie* on the part of the WBSEDCL in disconnecting the petitioner's electricity supply in the absence of any specific order of injunction being passed by the Division Bench taking up the appeal of the petitioner.
5. In any event, liberty was given to the petitioner by the learned Single Judge to approach the appellate authority, which order still subsists unless specifically reversed by the appellate court ultimately. There is no cause of action in the present writ petition.
6. Accordingly, WPA No. 28591 of 2023 is disposed of, however, with liberty to the petitioner to approach the Division Bench taking up the appeal of the petitioner for appropriate interim relief for restoration of electricity supply.
7. There will be no order as to costs.

8. Urgent photostat certified copies of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

(Sabyasachi Bhattacharyya, J.)