

10 02-05-2025
AKG
Ct. 15

WPA 8278 of 2025
Amit Mitra
Vs.
The State of West Bengal & Ors.

Mr. Goutam Malik	...for the Petitioner
Mr. Sujit Sankar Koley	...for WBSEDCL
Mr. Ranjit Rajak	...for the State

The final order of assessment in the present case was issued by the West Bengal State Electricity Distribution Company Limited (WBSEDCL) on March 17, 2025, directing the petitioner to deposit a sum of ₹6,44,143/-.

Instead of approaching the appropriate appellate forum, the petitioner has filed the present writ petition on April 7, 2025, challenging the aforementioned final assessment order.

The petitioner contends that he purchased the relevant restaurant through a registered sale deed dated October 1, 2024, and commenced business operations thereafter. An inspection was conducted by officials of WBSEDCL on March 5, 2025, during which it was discovered that the electricity meter had been tampered with, leading to the issuance of the impugned assessment order. The petitioner asserts that he was unaware of the tampering until the date of inspection.

Given the existence of an alternative statutory remedy,

I am not inclined to entertain the present writ petition, particularly as it has been filed within the prescribed period of limitation. Accordingly, the petitioner is granted liberty to prefer an appeal under Section 127 of the Electricity Act, 2003, within three weeks from the date of this order.

The petitioner shall be entitled to produce relevant evidence, including the aforementioned sale deed, to demonstrate that he has utilised the electricity connection only from October 1, 2024, onwards.

Needless to state, the appellate authority shall afford the petitioner an opportunity of hearing and permit him to submit all necessary documents to substantiate that he did not operate the restaurant prior to the date of purchase.

Considering the facts and circumstances of the case, and without treating this order as a precedent, it is further directed that, should the petitioner deposit 50% of the assessed amount within two weeks from the date of this order—along with the applicable reconnection charges and the cost of a new meter—the electricity connection shall be restored as an interim measure. This restoration shall be subject to the outcome of the proceedings before the appellate authority.

The electricity connection shall not be disconnected for a period of two months from the date of this order or until

the decision of the appellate authority, whichever is earlier. Upon restoration, the petitioner shall ensure regular payment of all current electricity bills.

It is clarified that this Court has not entered into the merits of the petitioner's case. In the event an appeal is filed, the appellate authority shall adjudicate the same independently, uninfluenced by any observations made herein.

Accordingly, **WPA 8278 of 2025** is disposed of.

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

(Kausik Chanda, J.)