

12.03.2025

WPA 14796 of 2018
With
CAN 1 of 2020 (Old CAN 1603 of 2020)

Pranab Kumar Guchhait
Vs.
The West Bengal State Electricity Distribution
Company Limited & Ors.

Mr. Sujit Bhattacharya	 for the petitioner
Mr. Srijan Nayak	
Ms. Rituparna Maitra	
	 for the WBSEDCL
Mr. Vijay Agarwal	
Mr. P.K. Tripathi	
	 for the State

Affidavit of service filed in Court shall be kept with the record.

Learned counsel appearing for the petitioner challenges the final order of assessment under Section 126 of the Electricity Act, 2003 on the ground of violation of natural justice and lack of jurisdiction, contending that the assessment was made without jurisdiction.

Learned counsel appearing for the West Bengal State Electricity Distribution Company Limited submits that the order under challenge is an appealable order and that there is no violation of natural justice.

Heard learned counsel for the parties.

On perusal of the final assessment order dated 18.07.2018, it is observed that an opportunity of hearing

was granted to the petitioner and all documents produced by the petitioner were duly considered by the authority. Therefore, there is no violation of natural justice. The remaining issues are questions of fact that should be addressed by the appellate authority.

The appellate authority, as prescribed under Section 127 of the Electricity Act, is requested to consider the appeal on its merits if an appeal is preferred by the petitioner, within 30 days from date, without going into the question of delay in filing of the appeal as the matter was pending before this Court.

The writ petition being WPA 14796 of 2018 and the connected application being CAN 1 of 2020 (Old CAN 1603 of 2020) is disposed of.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajarshi Bharadwaj, J.)