

Dd 10-11 22.09.2025

MAT/1379/2025
THE WEST BENGAL STATE ELECTRICITY
DISTRIBUTION COMPANY LTD. (A
GOVT. OF WB ENTERPRISE),
REPRESENTED BY THE CHAIRMAN AND
MANAGING DIRECTOR AND ORS.

VS

ABDUL RAJAK
IA NO: CAN/1/2025

With

FMA/1442/2025
THE WEST BENGAL STATE ELECTRICITY
DISTRIBUTION COMPANY LTD. (A
GOVT. OF WB ENTERPRISE),
REPRESENTED BY THE CHAIRMAN AND
MANAGING DIRECTOR AND ORS.

VS

JAMAL SEIKH
IA NO: CAN/1/2025

Mr. Srijan Nayek,
Mr. Asif Dewan, Advocate
... .. For the Appellants in
MAT/1379/2025

Mr. Srijan Nayak,
Ms. Rituparna Maitra, Advocates
.. ...For the applicants in
FMA/1442/2025

Mr. Subrata Karmakar, Advocate
.. ...For the Respondents in both appeals

1. Two appeals are taken up for analogous hearing as both are directed against the judgment and order dated July 23, 2025 disposing of three writ petitions including WPA 1289 of 2025 and WPA 1300 of 2025.
2. Learned advocate appearing for the appellants submits that, both the writ petitioners are guilty of theft of electricity. The supply of the writ petitioners were disconnected. Provisional bills were raised. However, provisional bills could not be finally

assessed in view of the non-cooperation of the writ petitioners.

3. Learned advocate for the writ petitioners submits that memorandum of appeal does not disclose any substantial questions of law. He submits that, unless and until final assessment bills are raised, the writ petitioners are not in a position to prefer any appeal. Till such appeal is filed, the writ petitioners cannot be denied electric supply.
4. There are two proceedings as against both the writ petitioners for theft of electricity supply. Civil liability is being considered by raising the provisional bills. Final assessment is yet to take place.
5. Justification for not passing the final order of assessment is the non-cooperation on behalf of the writ petitioners.
6. Alleged non-cooperation of the writ petitioners is no ground for the assessment authority to pass a final order of assessment. Writ petitioners are aware of the assessment proceedings. There is no impediment, in our view, in the final assessment order being passed. Assessment authority will do so as expeditiously as possible and preferably within 7 days from date.
7. This order will not prevent the writ petitioners from preferring an appeal against the final order of assessment, if so advised.
8. With respect, we are not in a position to subscribe to such view. There is an issue of theft of electricity. Such issue at least so far civil liability is concerned is yet to attain finality. It is not for the writ Court to decide on the final assessment of the electric supply

- on such provisional assessment without the assessing authority completing such exercise.
9. In such circumstances, there is no material before the writ Court to arrive at a finding that the writ petitioners are not guilty of theft of electricity.
 10. Consequently, we set aside the impugned judgment and order.
 11. This order again will not prevent the writ petitioners from applying for electric supply on deposit of the entire provisional bill or the final assessment bill, as the case may be. Writ petitioners are at liberty to apply for supply of electricity on such application being made coupled with deposits as noted above. The authorities will consider the same in accordance with law.
 12. MAT/1379/2025 along with FMA/1442/2025 and connected applications thereto are **disposed of** without any order as to costs.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)