

16.09. 2025
DL.41

Court No.15
sg

WPA 21720 of 2025

**Abdul Arif
Vs.
CESC Limited & Anr.**

Mr. Bidyut Kr. Halder
Mr. Indranil Halder
....for the petitioner.

Mr. Suman Ghosh
Ms. Oindrill Ghosal
.... for CESC.

Let the report filed by the Calcutta Electric Supply Corporation (CESC) be taken on record.

By filing this writ petition, the petitioner challenges the final order of assessment dated 30th July, 2025.

Mr. Halder, learned advocate appearing for the petitioner, submits that the allegation of unauthorized use of electricity by way of hooking is baseless, as the petitioner has been residing at the premises in question for only the past one month. Therefore, it is contended that the assessment, which has been calculated on the basis of 310 days, is unsustainable.

Learned advocate appearing for CESC, on the other hand, submits that the petitioner was given an opportunity of hearing before the assessing officer. It is further submitted that the petitioner's wife accepted the allegations, and the relevant

documents bearing her signature—acknowledging the petitioner's alleged guilt—have been placed on record.

In response, Mr. Halder submits that the petitioner's wife signed the said documents under duress.

This Court is of the view that the disputed factual issues raised cannot be adjudicated within the limited scope of writ jurisdiction under Article 226 of the Constitution of India.

It appears that the present writ petition was affirmed on 6th August, 2025, i.e., within six days from the date of issuance of the final order of assessment.

In such circumstances, this Court is inclined to grant the petitioner an opportunity to prefer an appeal against the final order of assessment dated 30th July, 2025 before the appropriate Appellate Authority, within a period of 30 days from the date of this order.

The petitioner shall be at liberty to raise all grounds available to him, including the period of actual occupation of the premises, and shall also be entitled to challenge the alleged documents relied upon by the assessing officer.

If such an appeal is filed within the prescribed period, the Appellate Authority is directed to consider and dispose of the same by

passing a reasoned order within 30 days from the date of filing of the appeal.

Accordingly, writ petition being WPA 21720 of 2025 is disposed of .

Urgent Photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all formalities.

(Kausik Chanda, J.)