

18.03.2025
Sl. No. 31
Ct No. 3
SG

WPA 27842 of 2024

**Gour Kishor Mondal
Vs
The WBSEDCL & Ors.**

Mr. Aswini Kr. Bera,
Mr. Arijit Bera,

... for the petitioner

Mr. Srijan Nayak,
Ms. Rituparna Maitra

...for the WBSEDCL

1. The petitioner has preferred the present writ petition praying, inter alia, for restoration of the electricity connection without paying Rs. 1,00,568/- assessed by the respondent authority vide final assessment order dated 10.09.2024. It is the case of the petitioner that he had applied for electricity connection in the year 2015 and had deposited the quotation amount, however, no electricity connection was granted. Later, during the inspection conducted by the respondent on 27.08.2024 it was found that the petitioner was illegally enjoying the electricity connection. Hence, the respondent disconnected the said illegal electricity connection and lodged a complaint before the concerned police station i.e. Debra P.S. Case No. 566/24 dated 27.08.2024 under Section 135(i)(a) of the Electricity Act, 2003. Thereafter, final assessment order dated 10.09.2024

was passed assessing the outstanding dues as Rs.1,00,568/-. The petitioner challenged the said final assessment order before the appellate authority. However, the appellate authority refused to accept the said appeal. The petitioner submitted representation before Station Manager on 06.09.2024 and Zonal Manager on 18.09.2024 which was further forwarded to the Divisional Manager on 30.09.2024. However, till date no decision has been taken. Being aggrieved by the said inaction, the petitioner has preferred the present writ petition.

2. Learned Counsel for the respondent submits that the writ petitioner filed the appeal without the pre-deposit as per Section 127 of the Electricity Act, 2003. It is further contended that pre-deposit is a mandatory requisite for entertaining the appeal. In view of the same, the learned Counsel for the respondent prays for relegating the present writ petition to the appellate authority.

3. This Court has heard the arguments advanced by the parties and perused the records. The petitioner is aggrieved by the final assessment order dated 10.09.2024 passed by the competent authority under Section 126 of the Electricity Act, 2003. Section 127 of the Electricity Act provides an opportunity to the petitioner to challenge the final assessment order by

way of an appeal before the appellate authority. It is the case of the petitioner that the appeal preferred by the petitioner was rejected by the appellate authority. However, it appears that the petitioner had filed the appeal without the requisite pre-deposit. Under Section 127(2) of the Electricity Act, 2003 no appeal shall be entertained unless the applicant deposits half of the assessed amount. Since the petitioner submitted the appeal without the necessary pre-deposit, the same was rejected.

4. Since the petitioner is having an alternate efficacious remedy in the form of statutory appeal, this Court is not inclined to entertain the present writ petition. The petitioner is at liberty to approach the statutory authority for redressal of his grievances within a period of two weeks after meeting with all necessary formalities in accordance with law.

5. With the above directions, the present writ petition is disposed of.

(Gaurang Kanth, J.)