

19.03.2025
Sl. No. 29
Ct No. 3
SG

WPA 28128 of 2024

**Surajit Dolai
Vs
WBSEDCL & Ors.**

Mr. Apurba Ghanti,
Mrs. Priti Jain.

...for the petitioner

Dr. Madhusudan Saha Roy,
Mr. Debanjan Chatterjee.

...for WBSEDCL

1. Affidavit-of-service is taken on record.
2. Petitioner in the present case is assailing the ex-parte final assessment order dated 25.02.2022 passed by the respondent under Section 126 of the Electricity Act, 2003.
3. It is the contention of the petitioner that the respondent authority issued the provisional assessment order on 07.10.2021 and the petitioner submitted his written objection on 11.10.2021. However, the officials of the respondent refused to accept the same. Hence, the petitioner dispatched the same by speed post on 12.10.2021 which was received in the office of the respondent on 25.10.2021. Subsequently, the respondent passed the final assessment order in which it was noted that *'due to absence at hearing on 12.11.2021 the undersigned being the assessing officer has passed an order of final*

assessment bill amounting to Rs.1,13,881/-. Being aggrieved by the ex-parte final assessment order the petitioner has preferred the present writ petition.

4. Learned Counsel for the petitioner submits that the respondent authority received the objection filed by the petitioner on 25.10.2021, however, while passing the final assessment order they failed to consider the said objection. Learned Counsel for the petitioner states that grave injustice has been done to him and hence the respondent should reassess the final assessment order.

5. Learned Counsel for the respondent states that the final assessment order was passed on 25.02.2022 and the petitioner should have approached the appellate authority within a period of 30 days. It is only to tide over the delay, the petitioner has preferred the present writ petition. It is further contended by the learned Counsel for the respondent that the petitioner was served with the notice of hearing before passing the final assessment order. Learned Counsel for the respondent states that the present writ petition shall be dismissed on the ground of delay and latches.

6. This Court has heard the arguments advanced by the Counsel for the parties and perused the documents on record.

7. The impugned order is an appealable order under Section 127 of the Electricity Act, 2003. As per Section 127 of the Act the petitioner has to prefer an appeal within 30 days of the passing of the final assessment order. The impugned order was passed on 25.02.2022 and the same was within the knowledge of the petitioner. However, the petitioner has not challenged the said final assessment order till the filing of this present writ petition in the year 2024. No explanation is offered for the delay in challenging the impugned order. Hence, in view thereof, this Court is not inclined to exercise its discretionary relief under Article 226 of the Constitution in the present case.

8. The present writ petition is barred by delay and laches and the same is dismissed.

(Gaurang Kanth, J.)