

18.03.2025
Sl. No.50
akd

W. P. A. 29332 of 2024

***[Pradip Bhattacharya -Vs- The West Bengal State Electricity Distribution
Company Ltd. &Ors.]***

Mr. Bhaskar Chandra Manna
... .. for the petitioner

Mrs. Rituparna Maitra
... .. for the WBSEDCL

1. Affidavit-of-service filed in court today be kept with the record.
2. It is the case of the petitioner that the respondent-WBSEDCL authority had initiated Contai Police Station Case No.399 of 2024 dated 25.06.2024 under Section 135(1)(b) of the Electricity Act, 2003, alleging that the petitioner had committed theft of electricity.
3. Learned Advocate for the petitioner submits that pursuant to the final assessment order dated 27.06.2024, his client had made the full payment of Rs. 83,095/- towards final assessment amount as assessed by the respondent-WBSEDCL. Hence, respondent-WBSEDCL shall withdraw the Contai Police Station Case No.399 of 2024 dated 25.06.2024 filed against his client.
4. This court has heard the arguments advanced by both the parties and has perused the documents on record.
5. It is well settled principle of law that the proceedings under Sections 126/135 of the Electricity Act are different and distinct. Proceeding under Section 126 of the Electricity Act is for determination of civil liability, whereas proceeding under Section 135 of the Electricity Act is for determining the criminality involved in the action of the accused. The degree of evidence

required in both the proceedings are different. **(MAT 263/2025, Basudeb Paine Vs. WBSEDCL & Ors. dated 24.03.2015)**

6. Since the petitioner has deposited the amount as determined under Section 126 of the Electricity Act in terms of the final assessment order, it cannot be said that the proceeding initiated under Section 135 of the Electricity Act has become infructuous.

7. In view of the above, this court is of the opinion that there is no merit in the contention of the petitioner.

8. Accordingly, the writ petition is dismissed.

9. There shall be no order as to costs.

10. Let urgent Photostat certified copy of this order, if applied for, be supplied to the parties on usual undertaking.

(Gaurang Kanth, J.)