

25.03.2025
Sl. No. 47
Ct No. 3
SG

WPA 30360 of 2024

**Monirul Sk.
Vs
The West Bengal State Electricity
Distribution Company Ltd. & Ors.**

Mr. Biswajit De,
Mr. Mallika Manna.

...for the petitioner

Mr. S.P. Lahiri,
Ms. Subhasri Chatterjee.

...for the State

Dr. Madhusudan Saha Roy.

...for WBSEDCL

1. Affidavit-of-service filed in the Court today and the same is taken on record.
2. The petitioner in the present writ petition is challenging the provisional assessment order dated 22.10.2024 and the final assessment order 04.12.2024 passed by the respondent authorities under Section 126 of the Electricity Act, 2003.
3. Learned Counsel for the petitioner submits that the petitioner has challenged the assessment orders on the ground that the same has been raised under the old regulation which has been repealed.
4. Learned Counsel for the respondent at the outset submits that the final assessment order passed under Section 126 of this Act is appealable under

Section 127 of the Electricity Act, 2003, providing an efficacious statutory remedy to the petitioner.

5. This Court has carefully heard the submissions of both the parties and has examined the documents placed on record. On due consideration it appears that the petitioner is aggrieved by the provisional assessment order as well as the final assessment order dated 04.12.2024 passed by the respondent authority under Section 126 of the Electricity Act and the same is appealable under Section 127 before the appellate authority. Since the petitioner is having an alternate efficacious remedy available under the Act, this Court is not inclined to exercise its discretionary jurisdiction under Section 226 of the Constitution of India.

6. In view of the same, the present writ petition is dismissed with liberty to the petitioner to avail his statutory remedies available under the Act.

7. There shall be no order as to costs.

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

(Gaurang Kanth, J.)