

27.03.2025
Sl. No. 43
Ct No. 3
SG

WPA 30700 of 2024

**Papan Pramanik
Vs
West Bengal State Electricity
Distribution Company Ltd. & Ors.**

Mr. Himadri Barua,
Mr. Biswajit Das.
...for the petitioner

Mr. S. Samajpaty,
Mr. S.S. Koley.
...for the WBSEDCL

1. The petitioner has preferred the present writ petition against the final assessment order dated 20.08.2024 passed by the WBSEDCL under Section 126 of the Electricity Act, 2003.
2. Learned Counsel for the respondent submits that prior to the passing of the impugned final assessment order, provisional assessment order has been issued on 12.06.2024. In pursuance thereof, the petitioner had duly filed objections and was afforded a reasonable opportunity of hearing. It is submitted that the petitioner had categorically denied all allegations, particularly with respect to any involvement in unauthorized abstraction or theft of electricity. However, upon due consideration of the materials on record the concerned authority proceeded to finalize the assessment.

3. This Court is cognizant of the well-settled legal principle of law that where an efficacious alternative remedy is statutorily prescribed, the invocation of writ jurisdiction is unwarranted. Section 127 of the Electricity Act, 2003, provides for a statutory appellate mechanism against a final assessment order. In light of such an alternative efficacious remedy being available to the petitioner, this court is not inclined to exercise its discretionary jurisdiction under Article 226 of the Constitution of India.

4. Accordingly, the same is dismissed.

5. There shall be no order as to costs.

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

(Gaurang Kanth, J.)