

D/L.06.
February 18, 2026.
KAUSHIK

**WPA No. 373 of 2023
(CAN 1 of 2025)**

Sharma Ayurved Private Limited & Anr.
Vs.
The CESC Limited & Ors.

Mr. Biswaroop Bhattacharyya
Mr. A. N. Bhattacharyya
Mr. Varun Kothari
Mr. Arya Bhattacharyya
... for the petitioner

Dr. Madhusudan Saha Roy
... for the CESC

Mr. Bidyut Kumar Halder
Mr. Indranil Halder
... for the private respondent

Mr. Himadri Sikhar Chakraborty
Ms. Susmita Saha
... for the State

CAN 1 of 2025 is an application for restoration. In view of the sufficient cause and cogent reasons disclosed by the petitioner, the order dated 28 August, 2025 is recalled. CAN 1 of 2025 is disposed of. WPA 373 of 2023 is restored to its original file and number.

By consent of the parties, WPA 373 of 2023 is taken up for hearing.

The grievance of the petitioner is directed against a final order of assessment dated 5 September, 2022.

Briefly, the petitioner is a partnership firm and was carrying on business at Hooghly. Subsequently, the partnership firm stood converted to a private limited company.

It is alleged that the business of the petitioner was for all purposes closed and the factory premises abandoned. On 11 August, 2022, a Provisional Assessment Order has been passed by the respondent no. 2 alleging theft of electricity and unlawfully carrying a 'toto' charging station.

It is submitted that an influential representative of a political party, Tarak Singh had been unauthorisedly carrying on such activity from the premises of the petitioner. The petitioner fairly submits that their only fault was that they did not surrender the above electricity connection. By a final order of assessment dated 5th September, 2022, the Assessing Officer has rejected the contentions of the petitioner and raised a demand for Rs.13,92,910/- as payable from the petitioner. The petitioner assails the final order of assessment in this proceeding on the ground that the same has been passed in violation of the principles of natural justice.

On behalf of CESC Ltd., it is submitted that the final order of assessment warrants no interference at all. There is no violation of the principles of natural justice and the petitioner has been given an adequate hearing. It is also submitted that all the contentions of the petitioner have been taken into consideration before passing the impugned order.

The private respondent and the State are also present.

A perusal of the final order of assessment would demonstrate that in passing the same, the Assessing Officer has held as follows:

“I have carefully perused the facts and circumstances of the matter. I have also carefully considered the verbal submissions made by Habib Hassan and Om Nath Sharma as well as the written objection filed by Om Nath Sharma. They have admitted unauthorized use of electricity at the premises and it is also admitted that supplies are still in the name of Sahara Ayurvedic Products.”

It is now well settled that reasons form the cornerstone of any order whether judicial or quasi judicial. In *Sarvepalli Ramaiah vs. District Collector, Chittoor* (2019) 4 SCC 500, it has been held as follows:

“40. Administrative decisions are subject to judicial review under Article 226 of the Constitution, only on grounds of perversity, patent illegality, irrationality, want of power to take the decision and procedural irregularity. Except on these grounds administrative decisions are not interfered with, in exercise of the extraordinary power of judicial review.”

Similarly, in *Uniworth Resorts Limited and Ajay Prakash Lohia vs. Ashok Mittal & Ors.* (2008) 1 CalLT 1 it has been held as follows:

12. *Judicial orders of such nature need to meet the twin tests of “why” and “what”. It is the “why” that sustains the “what”. Reasons are the safeguard against the ipsi dixit of the decision-making process. They discuss how the judicial mind has been applied to the*

matter in issue and convey the nexus between the matters that have been considered and the conclusion based thereon. The justification and the reasonableness of a conclusion depend on the reasons given in support thereof. The order impugned has no element of "why" for the "what" therein to stand on.

In *State Bank of India vs. Ajay Kumar Sood* (2023) 7 SCC 282, it has also been held as follows;

"17. A judgment culminates in a conclusion. But its content represents the basis for the conclusion. A judgment is hence a manifestation of reason. The reasons provide the basis of the view which the decision maker has espoused, of the balances which have been drawn. That is why reasons are crucial to the legitimacy of a judge's work. They provide an insight into judicial analysis, explaining to the reader why what is written has been written. The reasons, as much as the final conclusion, are open to scrutiny. A judgment is written primarily for the parties in a forensic contest. The scrutiny is first and foremost by the person for whom the decision is meant-the conflicting parties before the court. At a secondary level, reasons furnish the basis for challenging a judicial outcome in a higher forum. The validity of the decision is tested by the underlying content and reasons. But there is more. Equally significant is the fact that a judgment speaks to the present and to the future. Judicial outcomes taken singularly or in combination have an impact upon human lives. Hence, a judgment is amenable to wider critique and scrutiny, going beyond the immediate contest in a courtroom. Citizens, researchers and journalists continuously evaluate the work of courts as public institutions committed to governance under law. Judgment writing is hence a critical instrument in fostering the rule of law and in curbing rule by the law."

A perusal of the impugned order would show that the petitioner had specifically raised the point of the Toto charging station belonging to

one Tarak Singh, who had illegally taken possession of the premises and was carrying on such business.

Regardless of the merits or demerits of such contention, the Assessing Officer was obliged to consider the same. In the impugned order, there is no element of *why* for the *what* to stand on. The impugned order has been passed in violation of the principles of natural justice. There are no reasons in the impugned order and the only conclusion is based on the admitted case of unauthorized use of electricity from the premises of the petitioner is insufficient to sustain the impugned order.

In such circumstances, purely on the ground of *lack of reasons*, the impugned order dated 5th September, 2022 is set aside. The matter is remanded to the Assessing Officer to hear the same afresh within a period of eight weeks from the date of communication of this order and after giving a right of hearing to all the affected parties.

To this extent, the writ petition stands allowed.

It is made clear that all points are left open to be decided by the Assessing Officer in accordance with law.

(Ravi Krishan Kapur, J.)