

D/L.40.
March 05, 2026.
KAUSHIK

WPA No. 522 of 2026

Md. Sader Hossain
Vs.
WBSEDCL & Anr.

Mr. Anindya Bose
Mr. Golam Mohiuddin
Ms. Rima Das
Mr. Kaif Hossain
... for the petitioner.

Mr. Srijan Nayak
... for the WBSEDCL.

The grievance of the petitioner is directed against disconnection of electricity on the ground of detection of unauthorized use.

On behalf of the respondent WBSEDCL, it is submitted that this writ petition is not maintainable on the ground that the petitioner has already availed the statutory alternative remedy and an appeal is pending before the Appellate Authority.

The facts of the case reveal that a provisional assessment order was issued on 4 October, 2025 for a sum of approximately Rs.3,00,000/- against the petitioner. Thereafter, the petitioner was served with a final assessment order on 12th November, 2025 where the final assessment bill was revised to Rs.2,36,000/-.

Being aggrieved by the final assessment bill, the petitioner has already availed of the

statutory remedy under section 127 of the Electricity Act, 2003 and deposited a sum of 50 per cent of the final assessment bill i.e. Rs.1,18,000/-.

In view of the above, having availed of the statutory alternative remedy, the petitioner is estopped from now filing this writ petition challenging reopening the issue of restoration during the pendency of the appeal.

The decision cited on behalf of the petitioner in *Mira Rani Pachal Vs. Calcutta Electricity Supply Company Ltd, & Ors. 2020 SCC OnLine Cal 3223* is distinguishable and inapposite. In that decision, there was no pending statutory appeal. Thus as a temporary and adhoc arrangement relief was granted in that decision.

It would also be clear from Regulation 6 of the Notification No. 55 dated 7th August, 2013 that the case of reconnection can only be considered upon payment of the finally assessed amount under Sections 126 and 127 of the Act of 2003. *Executive Engineer Southern Electricity Company of Orissa Limited (Southco) & Anr. Vs. Sri Seetaram Rice Mill (2012) 2 SCC 108, Omvati Devi Agarwalla Vs. CESC Ltd. & Ors. AIR 2025 SC 382 and Shreegopal Engineering Works Ltd. Vs. CESC Ltd. AIR 2002 Calcutta 99.*

In view of the pendency of the statutory appeal, any relief in favour of the petitioner would be in effect granting the final relief to the petitioner regardless of the outcome of the appeal.

In such circumstances, the writ petition is not maintainable and is dismissed.

It is made clear that nothing in this order would be construed to prejudice the Appellate Authority on merits.

Liberty is granted to the petitioner to seek appropriate reliefs before the Appellate Authority including an order for reconnection to be adjudicated on merits.

(Ravi Krishan Kapur, J.)