

M/L.31.
February 03, 2026.
KAUSHIK

WPA No. 4097 of 2025

Kapil Ghosh
Vs.
WBSEDCL & Ors.

Mr. Biswajit De
Mr. Subhajit De
Ms. Mallika Manna
... for the petitioner.

Mr. S. S. Koley
... for the WBSEDCL

Mr. Ritwik Pattanayak
... for the respondent no. 3

The grievance of the petitioner is directed against an order dated 23rd October, 2024 passed by the Office of the Electricity Regulatory Commission, West Bengal.

It is contended on behalf of the petitioner that in directing the outstanding amount approximately Rs.88,756/- to be paid in six installments. The Commission has committed a patent illegality.

On behalf of the respondent-WBSEDCL, it is submitted that the impugned order is appealable and there is a statutory alternative remedy in Section 111 of the Electricity Act, 2003. For convenience, Section 111 of the Electricity Act, 2003, inter alia, provides as follows:

“Section 111. (Appeal to Appellate Tribunal): --- (1) Any person aggrieved by an order made by an adjudicating officer under this Act (except under section 127) or an order made by the Appropriate Commission under this Act may prefer an appeal to the Appellate Tribunal for Electricity:

Provided that any person appealing against the order of the adjudicating officer levying any penalty shall, while filing the appeal, deposit the amount of such penalty:

Provided further that wherein any particular case, the Appellate Tribunal is of the opinion that the deposit of such penalty would cause undue hardship to such person, it may dispense with such deposit subject to such conditions as it may deem fit to impose so as to safeguard the realisation of penalty.

(2) Every appeal under sub-section (1) shall be filed within a period of forty-five days from the date on which a copy of the order made by the adjudicating officer or the Appropriate Commission is received by the aggrieved person and it shall be in such form, verified in such manner and be accompanied by such fee as may be prescribed:

Provided that the Appellate Tribunal may entertain an appeal after the expiry of the said period of forty-five days if it is satisfied that there was sufficient cause for not filing it within that period.

(3) On receipt of an appeal under sub-section (1), the Appellate Tribunal may, after giving the parties to the appeal an opportunity of being heard, pass such orders thereon as it thinks fit, confirming, modifying or setting aside the order appealed against.

(4) The Appellate Tribunal shall send a copy of every order made by it to the parties to the appeal and to the concerned adjudicating officer or the Appropriate Commission, as the case may be.

(5) The appeal filed before the Appellate Tribunal under sub-section (1) shall be dealt with by it as expeditiously as possible and endeavour shall be made by it to dispose of the appeal finally within one hundred and eighty days from the date of receipt of the appeal: Provided that where any appeal could not be disposed of within the said period of one hundred and eighty days, the Appellate Tribunal shall record its reasons in writing for not disposing of the appeal within the said period.

(6) The Appellate Tribunal may, for the purpose of examining the legality, propriety or correctness of any order made by the adjudicating officer or the Appropriate Commission under this Act, as the case may be, in relation to any proceeding, on its own motion or otherwise, call for the records of such proceedings and make such order in the case as it thinks fit."

In view of the efficacious alternative statutory remedy available to the petitioner, the instant writ petition is not maintainable and is dismissed.

Liberty is granted to the petitioner to avail of its remedy in accordance with law.

(Ravi Krishan Kapur, J.)