

N.22S1
151/CL
24.08.26
DL-02
Ct.-07
(S.R.)

WPA 17428 of 2026
Nuruddin Molla
v.
The State of West Bengal & Ors.

Mr. Raja Biswas
Ms. Trisha Saha ... for the petitioner.

Mr. Srijan Nayak
Ms. Rituparna Maitra ... for the WBSEDCL.

1. Affidavit of service filed in Court today is taken on record.
2. This writ petition lays challenge to an order of provisional assessment passed under Section 126 of the Electricity Act, 2003.
3. Mr. Biswas, learned advocate appearing for the petitioner submits that the order has been passed arbitrarily without there being any proof of hooking.
4. Mr. Nayak, learned advocate appearing for the WBSEDCL authorities submits that the order of provisional assessment has matured into a final order of assessment on July 14, 2026 and that, the same was served upon the petitioner on July 23, 2026.
5. It is noticed that the present writ petition was filed on July 17, 2026 when, the final order of assessment may not have reached the petitioners.
6. Be that as it may, a final order of assessment under Section 126 of the 2003 Act is appealable before the appellate authority under Section 127 thereof.

Although, existence of an alternative remedy is not a bar to this exercising writ jurisdiction under Article 226 of the Constitution of India yet, since the present case neither involves any public law element nor falls within any of the well-settled exceptions justifying interference in writ jurisdiction, despite availability of alternative remedy, this writ petition is not entertained.

7. However, considering the fact that the petitioner has approached this Court, during the time when an appeal, if lodged, would have been within the period of limitation under Section 127 of the 2003 Act, therefore, if the petitioner files an appeal within fortnight from date, in accordance with law along with the statutory pre-deposit and the relevant fees, the appellate authority shall entertain such appeal on merits without raising the bar of limitation.
8. If the petitioner has not yet received the final order of assessment, the petitioner shall be at liberty to collect the same from the office of the relevant Station Manager at the earliest.
9. With the above observations, WPA 17428 of 2026 stands disposed of. There shall be no order as to costs.
10. Urgent certified photocopy of this order, if applied for, be supplied as expeditiously as possible.

(Om Narayan Rai, J.)