

(2015) 12 CAL CK 0069

In the Calcutta High Court

Case No : M.A.T. No. 1875 of 2015 with CAN No. 11971 of 2014

West Bengal State Electricity Distribution Company Ltd.

APPELLANT

Vs

Pranab Kr. Sarkar

RESPONDENT

Date of Decision : 22-12-2015

Acts Referred:

Electricity Act, 2003 — Section 127

Citation : (2016) 4 CalHCN 330

Hon'ble Judges : Manjula Chellur, CJ. and Joymalya Bagchi, J.

Bench : Division Bench

Advocate : Mr. Sumit Kr. Panja and Ms. Mitali Bhattacharya, Advocates, for the Appellant; Mr. Soumak Bera, Advocate, for the Respondent

Final Decision : Allowed

Judgement

1. Heard learned counsel for appellants as well as the respondents.
2. The licensee company is before us aggrieved by the direction of the learned Single Judge that if the respondent / writ petitioner files an appeal before the Appellate Tribunal before December 7, 2015, it will admit the same condoning the delay and hear out the appeal on merits. According to the appellants, there could not have been a concession granted on the part of the learned Single Judge in the light of specific statutory provision prescribing time limit within which an appeal could be preferred by the aggrieved consumer challenging the final assessment order.
3. Apparently, after hearing the respondent / writ petitioner, assessment order came to be made Rs.5,36,859/- on 11.06.2015. In terms of the statute an appeal lies to the Appellate Tribunal and the same has to be preferred within 30 days from the date of the order under Section 127(1) of the Electricity Act, 2003.
4. In the present case, in all probability such concession exercised by the learned Single Judge could have been extended to the respondent / writ petitioner provided he had preferred the writ petition within one month from 11.06.2015.

Admittedly, writ petition was filed on 03.08.2015 beyond the period of limitation prescribed under Section 127(1) of the said Act. It is well-settled while exercising extraordinary jurisdiction under Article 226 of the Constitution of India, this Court cannot meddle with the statutory period of limitation provided under the statute by extending period of limitation which would amount rewriting the words of the statute.

5. The impugned judgment and order of the learned Single Judge is set aside.

6. Accordingly, the appeal is allowed.