

IN THE HIGH COURT OF JHARKHAND AT RANCHI

W.P.(C) No. 7605 of 2023

Baba Kedarnath Food Products through its proprietor Guriya Devi @ Gudiya Devi, aged about 36 years, Wife of Rajesh Kumar Ray, Resident of House No. 104, Bamangama, Deoghar, P.O. and P.S.- Deoghar, District- Degoahr. Petitioner(s)

Versus

1. Jharkhand Bijli Vitran Nigam Limited through the Chairman-cum-Managing Director, Ranchi.
2. Superintending Engineer, Electric Supply Circle, Deoghar, Jharkhand Bijli Vitran Nigam Limited, Deoghar.
3. Executive Engineer, Electric Supply Division, Madhupur, Jharkhand Bijli Vitran Nigam Limited, Madhupur.
4. Assistant Engineer, Electric Supply Sub Division Sarath, Jharkhand Bijli Vitran Nigam Limited, Deoghar.

... .. Respondent(s)

CORAM: SRI ANANDA SEN, J.

For the Petitioner(s) : Mr. Rohan Mazumdar, Advocate
For the Respondent(s) : Mr. Ashok Kr. Yadav, Sr.S.C.

Order No. 04: Dated: 7th February, 2024

1. The petitioner is challenging the provisional assessment made under Section 126 of the Electricity Act, 2003. Section 126 (3) of the Electricity Act provides for a statutory remedy if the consumer wants to challenge the provisional assessment order. The consumer has to approach the Assessing Officer, who may, after affording a reasonable opportunity of hearing to such person, pass a final order of assessment within 30 days from the date of submission of the application.
2. In this case, the petitioner has not only challenged the provisional assessment, but the final assessment order has also been challenged. In terms of Section 127 of the Electricity Act of 2003, this final order is appealable within 30 days. Thus, from the provision of Electricity Act, 2003 both the provisional assessment order and the final assessment order can be challenged before the Assessing Officer and the Appellate Authority as the case may be. The petitioner has not approached the two authorities and has rather approached this Court

under Article 226 of the Constitution of India. Thus, I am not inclined to entertain this writ petition. Accordingly, the same is dismissed.

3. Liberty is reserved to the petitioner to approach the appellate authority as per law, if available.

(ANANDA SEN, J.)

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