

17.12.2020
D/L- 30
(PP)

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 5189 of 2020

Alam Mia
Vs.
West Bengal State Electricity Distribution
Company Ltd. & Ors.

Mr. Baidurya Ghosal
....for the petitioner.

Mr. R. M. Chattopadhyay
...for WBSEDCL.

The petitioner complains of the connection to the petitioner having been given without following the technical specifications. The petitioner says to have protested against the same and has been victimised. West Bengal State Electricity Distribution company Limited (in short WBSEDCL), the licensee all on a sudden disconnected the petitioner's supply and as such, the petitioner is unable to operate his submersible pump for agricultural purpose. The petitioner seeks reconnection. The petitioner has annexed to the writ petition the provisional assessment order dated 13th December, 2017 which was communicated to the petitioner by a letter dated 2nd January, 2018.

On behalf of WBSEDCL, the submissions made by the petitioner are disputed. WBSEDCL says having made unauthorised use of electricity, the petitioner is liable to pay the entire amount as mentioned in the final assessment order which has been already passed on 30th December, 2017, particularly in view of the fact that the petitioner has not challenged such final assessment order by preferring an appeal.

The issue of final assessment made on 30th December, 2017 and communicated to the petitioner by a letter dated 2nd January, 2018 cannot be reopened at this stage by granting the petitioner an opportunity to assail the same in appeal. The appeal is required to be filed within 30 days from the date of the final order and as such, time to prefer an appeal has elapsed two and a half years ago. The final order, therefor, has crystalised and the petitioner has to pay the entire amount for the purpose of reconnection apart from any regular bill having remain unpaid.

In the facts and circumstances as aforesaid, keeping in mind that the petitioner claims to be a physically challenged person is permitted to pay the entire sum of Rs.1,93,527/- in three instalments. The first of which shall be for a sum of Rs.93,527/- and has to be paid by 31st December, 2020. The balance two instalments of Rs.50,000/- each shall have to be paid by 31st January, 2021 and 26th February, 2021.

WBSEDCL shall, within 48 hours from receipt of the first instalment, give reconnection.

The petitioner, however, shall have to pay the regular bills that will be raised for consumption of electricity subsequent to reconnection.

WBSEDCL, however, shall be at liberty to take all legal steps as permissible in law including disconnection of supply in the event the petitioner fails to pay any of the second and the third instalments. In the event the petitioner fails to pay the first instalment within 31st December, 2020, WBSEDCL will be entitled to recover the entire sum under the final order of assessment in accordance with law.

So far as the arrears of regular electricity bill which WBSEDCL says to be outstanding are concerned, WBSEDCL shall raise a bill to that effect on the petitioner on or before 31st December, 2020 and allow the petitioner sufficient time as permissible in law making payment of such arrears, if any. If there is any dispute as to the bill that may be raised by WBSEDCL for the arrears of regular consumption, the same has to be referred to the concerned grievance redressal officer for due adjudication.

Nothing further remains to be adjudicated in this writ petition. The same is disposed of accordingly without any order as to costs.

Since I have not called for any affidavits, allegations made in the writ petition are deemed to have not been admitted.

Urgent photostat certified copy of this order, if applied for, be given to the parties on usual undertakings.

(Arindam Mukherjee, J.)