

S/L 2 (SL)
20.10.2020
Ct. No. 19
GB

W.P.A 7531 of 2020
CAN 1 of 2020

M/s. Sonic Thermal Private Limited & Anr.
Vs.
Damodar Valley Corporation & Ors.
(Through Video Conference)

Mr. Hirak Mitra,
Mr. Kamalesh Bhattacharya,
Mr. Debajyoti Basu,
Mr. B. Chatterjee.

...for the Petitioners.

Mr. Jaydip Kar,
Mr. Prasun Mukherjee,
Mr. Deepak Agarwal.

...for D.V.C.

Mr. Sudipta Panda.

...for the State.

The petitioners have challenged the disconnection notices dated September 16, 2020 and October 13, 2020. The notice dated October 13, 2020 was received by the petitioners subsequent to the filing of the writ petition. The same has been brought on record by way of a supplementary affidavit. The supplementary affidavit is taken on record.

It appears that more than 10 crores are due and payable by the petitioners against consumption charges to the D.V.C. By an earlier order this Court had granted liberty to the petitioners to pray before the D.V.C. for grant of instalments for payment of the outstanding dues for the year 2016. The D.V.C. granted 25 instalments to the petitioners to pay up the outstanding dues for the year 2016. Now, it appears that the petitioners had defaulted in paying 11

instalments out of the said 25 instalments. Thereafter, the disconnection notice was issued which is the subject matter of challenge before this Court.

If the petitioner wants to avoid disconnection for failure to pay the instalments with regard to the admitted outstanding dues in terms of the letter dated March 18, 2019, for the year 2016, then the petitioner should pay up Rs.4 crores within October 31, 2020 up front. With regard to the remaining amount, which has fallen due on failure of the petitioners to pay the said instalments, the same shall be paid in ten equal monthly instalments beginning November, 2020. Fraction if any will be added to the last instalment. Along with such instalments regular monthly instalments in terms of the order/letter dated March 18, 2019, which shall fall due should be paid. Needless to mention that the current consumption charges should also be paid. As the recovery of revenue by a public authority is being delayed no further leniency can be shown to the petitioner. Failure to pay any of the instalments or consumption charges, will entitle the DVC to disconnect the supply of the petitioner.

Accordingly, WPA 7531 of 2020 along with CAN 1 of 2020 are disposed of.

There will be, however, no order as to costs.

Urgent Photostat certified copy of this order, if applied for, be given to the parties on priority basis.

(Shampa Sarkar, J.)