

D.L.04.
13.10.2020
S.D.

**W.P.A. 7655 of 2020
With
CAN 1 of 2020**

**Ma Chandi Durga Cements Limited & Anr.
Vs.
Damodar Valley Corporation & Ors.
(Via Video Conference)**

Mr. Srijib Chakraborty
Ms. Moumita Ghosh

.....for the Petitioners.

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

...for the DVC.

In re: CAN 1 of 2020

This is an application for urgent hearing of the writ petition and is disposed of by taking up the writ petition for consideration.

Learned Advocate appearing on behalf of the petitioners submits that, subsequent to the order dated August 7, 2020 passed in an earlier writ petition, the Damodar Valley Corporation Authorities (DVC) raised another bill for about Rupees 65 lakhs. The petitioner approached the DVC Authorities for instalments which was granted. The DVC

granted only six instalments, whereas the petitioner requires at least a year's time to make the payment.

Learned Senior advocate appearing on behalf of the DVC Authorities submits that, the petitioner is in default in payment of the August 2020 monthly bill. He submits that, although the order of the Electricity Regulatory Commission is of March 2020, the bill was raised only in the month of August 2020. Moreover, DVC already allowed the petitioner six months instalments to pay. DVC needs to recoup its expenses. There are other consumers also. Therefore, DVC cannot grant any further instalments to the petitioner.

Learned Advocate appearing on behalf of the petitioner submits that, the payment of August 2020 monthly bill was made in time. According to him, there is no default so far as the order dated August 7, 2020 is concerned.

It appears from the records made available to the Court that the writ petitioner approached the Writ Court earlier by way of W.P. 5560 (W) of 2020 seeking quashing of a notice of disconnection of electricity dated March 18, 2020 and instalment payment to liquidate the outstanding bill for the months of February 2020 to May 2020 and the security deposit. Such writ petition was disposed of by an order dated August 13, 2020 by permitting the petitioner to pay the electricity dues

for the months of February to May 2020 in four equal instalments. The balance security deposit was permitted to be paid on or before September 2020.

Subsequent to such order, the petitioner received another bill in terms of an order passed by the Electricity Regulatory Commission of March 2020. DVC delayed raising the bill in terms of the order of Electricity Regulatory Commission of March 2020. DVC also granted six monthly instalments to pay such bill.

In such circumstances, in my view interest of justice would be subserved by permitting the petitioner to pay the bill raised by DVC in terms of the order of the Electricity Regulatory Commission in six monthly instalments. Such instalment will commence on and from the month of November 2020. The first of such instalment will be paid on or before November 7, 2020 and the subsequent instalments on or before the 7th of each month.

In the event, there is any default in payment of any of the instalment as directed herein, DVC are at liberty to take appropriate steps in accordance with law including disconnecting the electricity supply.

So long as the petitioner pays in terms of this order, DVC will not implement the disconnection notice impugned in the present writ petition.

With the aforesaid direction, W.P.A. 7655 (W) of 2020 is disposed of without any order as to costs.

(Debangsu Basak, J.)