

21.10.2020

Ct. No. 19

Item No.170

pk.

WPA No. 8230 of 2020

M/s. SBIW Steels Private Limited & Anr.

-vs-

Damodar Valley Corporation & Ors.

Mr. Sagar Bandyopadhyay,
Mr. Arijit Chakraborti,
Mr. S. Dewanji,
Mr. Diprav Deb,
Mr. Tapas Saha for the petitioners

Mr. Jaydip Kar, Sr. Advo.,
Mr. Prasun Mukherjee,
Mr. Deepak Agarwal for the DVC

The petitioners are aggrieved by the disconnection notice dated 26th September 2020 issued by the Deputy Chief Engineer (Commercial), Damodar Valley Corporation.

By the said notice, the petitioners have been directed to make a payment of Rs. 1,87,54,695/- in terms of the WBERC Regulations within fifteen days, failing which power supply to the Company would be disconnected without any further reference.

The petitioners submit that the said amount relates to the arrear payments for the period 2009-2013.

According to the petitioners as per Regulation 3.4.3 of the Electricity Supply Code Regulations, 2013 there is a provision for payment of the arrear bills by installments.

The petitioners pray for a direction upon the respondent Corporation to exercise their discretion for granting at least thirty-six installments for liquidating the claim of Rs. 1,87,54,695/-.

The learned Senior counsel appearing on behalf of the DVC submits that they have already taken a soft stand in respect of the defaulting Companies and the Corporation is agreeable to grant at least six installments for allowing the defaulting Companies to liquidate their arrears.

In view of the submission made hereinabove, the instant writ petition is disposed of by directing the respondent no. 4 being the Chief Engineer (Commercial Section), DVC to exercise discretion in terms of the provisions laid down in 3.4.3 of the Electricity Supply Code Regulations, 2013 for grant of suitable installments to the petitioners for liquidating their arrear dues of Rs. 1,87,54,695/- only.

The petitioners shall be entitled for consideration of their prayer for installments subject to their payment of an ad hoc amount of rupees twenty five lakh only within 30th October 2020. On receipt of the payment of the aforesaid amount of rupees twenty five lakh only, the respondent no. 4 shall consider the prayer of the petitioners in terms of the aforesaid regulations within a week thereafter and communicate the order to the petitioner immediately thereafter.

W.P.A. 8230 of 2020 is disposed of.

Urgent photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Amrita Sinha, J.)