21st December, 2021
(AK)
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W.P.A 821 of 2021
IA No: CAN 1 of 2021

Joynarayan Mondal
Vs.
West Bengal State Electricity Distribution Company Limited and others

Mr. Lalratan Mondal
Mr. Probal Sarkar
…for the petitioner.

Mr. Srijan Nayak
Ms. Rituparna Maitra
…for WBSEDCL.

The petitioner has challenged a Delayed Payment Surcharge (DPS) levied by the Distribution Company on the petitioner for the period of June 14, 2007 till March 14, 2019.

Learned counsel for the petitioner submits that the petitioner was only intimated about the final assessment on about March 9, 2019.

In the interregnum, two orders have been passed by coordinate Benches of this court, whereby restoration of electric connection was directed upon payment of 50% of the then dues.

Learned counsel for the petitioner contends that since the final assessment was made only in the year 2019, the DPS could not be charged for the entire period of disconnection.

Learned counsel appearing for the Distribution Company contends that the amounts deposited by the petitioner from time to time were given due credit.

However, from Annexure P-3 at page -27 of the writ petition, it is revealed that a provisional assessment was made by the Distribution Company as long back as in June 2007, that is, the month when the supply was initially disconnected.

The petitioner, at no point of time, cleared off such amount, for which the Distribution Company is entitled to charge DPS.

Upon perusing the materials-on-record, it is evident that the petitioner admittedly received a provisional assessment of Rs. 1, 70,098/- as communicated by the Distribution Company on June 18, 2007.

It has been admitted in paragraph no.6 of the writ petition that the said memo raising the provisional assessment bill was received by the petitioner.

As such, under the law, the petitioner has been duty-bound to pay the amount of provisional assessment, prior to final assessment being made.

Thus, it cannot be said that the bill for such amount was raised for the first time in the year 2019.

In such view of the matter, the Distribution Company is entitled to charge Delayed Payment Surcharge from the petitioner for the non-payment of the amount of provisional assessment due from June 14, 2007 till March 14, 2019.

Since the petitioner has not raised any specific dispute in the writ petition as regards the quantum of such assessment, there is no scope for sending the matter to the appropriate authority for deciding such amount.

As such, WPA 821 of 2021 along with CAN 1 of 2021 are dismissed on contest without any order as to costs.

Urgent photostat copies of this order, if applied for, be given to the parties upon compliance of all requisite formalities.

(Sabyasachi Bhattacharyya, J.)