

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 1181 of 2021

Srikanta Bagdi

Vs.

The West Bengal State Electricity
Distribution Company Limited & Ors.

Mr. Saheb Banerjee

... For the petitioner

Mr. Debjit Mukherjee

... For WBSEDCL

Affidavit of service filed in Court today is taken on record.

The petitioner's supply was disconnected by West Bengal State Electricity Distribution Company Limited (hereinafter referred to as "WBSEDCL"), the licensee, on detection of unauthorised use of electricity. Initially, a provisional bill was raised which was followed by a final assessment order and a final bill. Immediately on detection of unauthorised use of electricity, the petitioner's supply was disconnected and a criminal complaint was lodged in terms of the provisions of Section 135 of the Electricity Act, 2003. The final assessment order is of Rs.1,96,464/-. The petitioner paid a sum of Rs.70,000/- on 14th February, 2019 and, as such, was enlarged on bail on a security of Rs.2,000/- by an order dated 22nd February, 2019.

The petitioner thereafter approached this Court by filing WP No.4825 (W) of 2019 for reconnection. By an

order dated 7th March, 2019, direction for reconnection was given subject to the petitioner paying Rs.75,000/- within seven days from the date of the order dated 7th March, 2019 and the remaining amount after deducting Rs.75,000/- from Rs.126,464/- (Rs.1,96,464/- – Rs.70,000/-) on or before 5th April, 2019. The petitioner has not paid either Rs.75,000/- or any part or portion thereof.

As on date, after adjusting Rs.70,000/- from the finally assessed Rs.1,96,464/-, a sum of Rs.1,26,464/- is due and payable by the petitioner to WBSEDCL. The petitioner has not challenged the final order of assessment and, as such, to get reconnection, the petitioner has to pay the said sum of Rs.1,26,464/- with Delayed Payment Surcharge (in short “DPS”).

The petitioner says that the petitioner is ready and willing to pay the said sum.

The fact remains that the petitioner despite being given an opportunity to pay on instalment did not make payment of such sum for reasons which are in dispute.

Without going into such disputed grounds of non-payment, subject to the petitioner paying the entire sum of Rs.1,26,464/- with DPS of Rs.3,745/- as claimed by WBSEDCL within 5th March, 2021, the supply of the petitioner will be restored. The petitioner will also be required to pay the reconnection charges and other

necessary charges statutorily liable for the purpose of reconnection.

WBSEDCL shall restore the petitioner's supply within 48 hours from the date of the petitioner making payment of the entire sum of Rs.1,26,464/- with Rs.3,745/- on account of DPS along with the reconnection charges and other cost and expenses as may be required for the purpose of reconnection.

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, is to be given to the parties, upon compliance of necessary formalities.

(Arindam Mukherjee, J.)