

02.03.2021
rc/ct.no.10
Item No.05

WPA No. 4034 of 2021

Mr. Tanoy Chakraborty
Mr. Chhandak Dutta ...for the Petitioners

Mr. Pratik Dhar
Mr. Victor Chatterjee
Ms. Sharmistha Ghosh
Ms. Aparna Banerjeefor the WBERC

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

This matter has been heard previously on several occasions and diverse orders have been passed from time to time.

This matter is mentioned at the instance of the petitioner. The petitioner prays for extension of an interim order dated February 12, 2021.

It is submitted on behalf of the petitioner that the summary bill impugned in this petition is for Rs.10.00 crores (approximately) out of which the petitioners are admitting a sum of Rs.3,39,39,965/-.

By an order dated February 12, 2021 a learned Single Judge of this Court had directed the petitioners to pay a sum of Rs.75.00 lakhs by February 22, 2021. It is submitted by the petitioners that said sum of Rs. 75.00 lakhs has been paid by the petitioners.

The respondents are represented and do not object to this submission made on behalf of the petitioners.

In respect of the balance amount after deducting the said sum of Rs.75.00 lakhs from the admitted amount of Rs.3,39,39,965/- the petitioner prays for liberty to make payment in 10 equal installments.

Mr. Jaydeep Kar, Senior Advocate appearing on behalf of the respondent-Corporation submits that the said balance payment must be made in three installments alongwith delayed payment surcharge.

I have heard the parties.

I direct the petitioner to pay the balance amount after deducting the sum of Rs.75.00 lakhs from the admitted sum of Rs.3,39,39,965.00 including delayed payment surcharge in three equal monthly installments commencing from March 20, 2021. It is made clear that in default of making payment of any one installment, the respondent-Corporation would be at liberty to act in accordance with law and take steps for recovery of the entire balance amount along with interest as also take steps for disconnection of the electricity supply of the petitioners without reference to this Court.

So far as the balance amount is concerned i.e. after deducting Rs. 3,39,39,965.00, I am of the view that the petitioners' remedy lies in approaching the Redressal Grievance Commission of the Damodar Valley Corporation in terms of Section 42(5) of the Act. I am of the view that the petitioner has an alternative, efficacious, statutory remedy to agitate their grievances in accordance with law.

Accordingly, I am not inclined to entertain such dispute pertaining to the balance amount in this writ petition.

With the aforesaid observations and directions WPA No. 4034 of 2021 is disposed of without any order as to costs.

I make it clear that the aforesaid payments are to be made by the petitioner by the 20th working day of each month. If the petitioner does make payment of each of the instalments the threat of disconnection in so far as the amount of Rs. 3,39,39,965/- is concerned shall remain stayed.

It is also needless to mention that in addition to the above payment, the petitioners will continue to pay all current running bills raised by the respondent-Corporation.

(Ravi Krishan Kapur,J)