

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

(Via Video Conference)

**WPA 3077 of 2019
with
CAN 2 of 2021**

Surya Alloy Industries Limited & Anr.
Vs.
West Bengal Electricity Regulatory Commission & Ors.

Mr. Surojit Nath Mitra, Sr. Advocate
Mr. Tanoy Chakraborty
Mr. Gautam Shroff
... for the petitioners.

Mr. Pratik Dhar, Sr. Adv.
Ms. Sharmistha Ghosh
Ms. Neha Chakraborty
... for WBERC.

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

In the instant writ petition, the petitioners have challenged the validity of Regulation 4.4 of the West Bengal Electricity Regulatory Commission (Terms and Conditions of Tariff) Regulations, 2011 as also the demand of additional energy charge on account of restricted drawal as contained in the bills for the months of June, 2015 till December, 2018.

So far as the demand for additional energy charge is concerned, the matter is required to be decided by West Bengal Electricity Regulatory Commission (in short “WBERC”) inasmuch as WBERC has decided the similar issue in respect of three months, being August, September and October, 2018 by its order dated 11th December, 2020.

The petitioners are, therefor, permitted to approach WBERC within 1st March, 2021 regarding their grievance as to the demand of additional energy charge on account of restricted drawal as contained in the bills for the months of June, 2015 to December, 2018.

In the event the petitioners approach WBERC within the timeframe provided, WBERC shall, after hearing the parties, pass a reasoned order on the issues that may be raised before it within a period of six months from the date of being so approached. The order that may be passed should be communicated to the parties within seven days from the date of passing of the same.

So far as the vires of Regulation 4.4 of the West Bengal Electricity Regulatory Commission (Terms and Conditions of Tariff) Regulations, 2011 is concerned, this point is kept open for being taken in a subsequent proceedings, if the petitioners are so advised.

The writ petition is accordingly disposed of along with CAN 2 of 2021 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, be given to the parties upon compliance with the necessary formalities.

(Arindam Mukherjee, J.)