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01.12.2021
TN

WPA No.8458 of 2021

Mustak Ahammad
Vs.
The West Bengal State Electricity Distribution
Company Limited and others

Md. Salahuddin,
Md. A. Zaman

.... for the petitioner

Mr. Srijan Nayak,
Ms. Rituparna Maitra

....for the WBSEDCL

The petitioner is a cultivator by occupation and is of limited financial means.

Learned counsel for the petitioner submits that although no challenge has been preferred against the final assessment in respect of the electric meter connected previously to the submersible pump of the petitioner, the petitioner is not solvent enough to pay the total dues towards the charges due to the WBSEDCL.

In this case, the total amount due is Rs.1,91,829/-.

Learned counsel for the petitioner submits that the petitioner will be able to deposit Rs.50,000/- as

the first installment at one go within December 7, 2021. Regarding the balance amount, learned counsel prays for twelve equal monthly installments to clear off such balance amount.

Learned counsel appearing for the WBSEDCL, in his usual fairness, submits that although the WBSEDCL can sympathize with the petitioner, the law does not permit such a course of action to be taken.

However, keeping in view the ambit of the writ jurisdiction and the fact that the writ court is also a court of equity and keeping a balance between the arrear dues and the financial condition of the petitioner, as well as the recent prevalent pandemic situation, which almost ruined the career of many citizens, like the petitioner, as a special case in the facts of the matter, without creating any precedent, the WBSEDCL is directed to restore the electric connection to the concerned submersible pump of the petitioner upon deposit of Rs.50,000/- on or before December 7, 2021.

As regards the remaining balance amount out of Rs.1,91,829/-, the petitioner shall pay such amount in roughly equal monthly installments over a period of twelve months, which ends in December, 2022, along with the current dues. Each of such payment must be made within the 7th (Seventh) day of each calendar

month. In case of even a single default, the WBSEDCL will be at liberty to take appropriate steps for disconnection of the electric supply without any notice.

In the event any excess amount remains after calculating the rough equivalent of twelve installments of the balance amount, the same will be rounded off and cleared by the petitioner with the last installment.

It is reiterated that this will not be a precedent and is stretching the limits of the court's jurisdiction beyond the law and venturing into the domain of equity and is being passed as a one-time measure keeping in view the particular financial condition of the petitioner and the attending circumstances.

It is further clarified that the WBSEDCL shall give such reconnection within 72 hours from the deposit of the first installment of Rs.50,000/-, subject to compliance of all due formalities on the part of the petitioner, subject to the above conditions.

Accordingly, WPA No.8458 of 2021 is disposed of, without any order as to costs.

Urgent photostat certified copies of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

(Sabyasachi Bhattacharyya, J.)