

04.06.2021
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W.P.A 10545 of 2021

(via video conference)

Jai Venkatesh Concast Pvt. Ltd. & Anr.

-Vs-

The Damodar Valley Corporation & ors.

Mr. Saptansu Basu

Mr. Suchayan Banerjee

Mr. S.K. Banerjee

Ms. Moumita Ghosh

Ms. Sanjana Sinha

... for the petitioners

Mr. Jaydeep Kar, Sr. Adv.

Mr. Deepak Agarwal

... for the D.V.C.

Heard learned counsel appearing for the parties.

By this writ petition, the petitioner seeks to invoke constitutional writ jurisdiction of the court for relief of installment of security dues pertaining to electricity connection at the factory in question and for reconnection. It appears from record at page-102 being Annexure-p/15, to the writ petition that the respondent/electricity authority has already granted installment for liquidation of outstanding dues amounting to Rs. 14, 81, 74, 267/- by way of 48 installments to which the petitioner has no dispute. The petitioner is only aggrieved by the condition of payment of security deposit amounting to Rs. 3,97,50,000/- on the ground of financial difficulty of the petitioner due to COVID-19 .

Considering the submission of Mr. Basu, learned senior advocate appearing for the petitioner and Mr. Kar, learned senior advocate appearing for the

respondent/DVC and taking into consideration the records available I direct the respondent to restore the electricity at the premises in question of the petitioner subject to following terms and conditions:-

- i) Petitioner will make payment of first two installments as appears at page-102 of the writ petition within 7 days from date and shall also deposit in advance Rs. 2 crore for consumption of electricity for the month of June 2021 subject to adjustment with bill in future in case of excess payment, the petitioner will deposit the balance amount
- ii) On receipt of such payment, the aforesaid payments the respondent will immediately restore the electricity and this arrangement of connection of electricity will continue till 31st July, 2021 subject to further condition of making on payment of current electricity bills and also on condition that by 31st of July, 2021 the petitioner will deposit Rs. 2 crores in advance towards bill for the month of July, 2021.
- iii) Petitioner will pay the bill of June 2021 and that Rs. 2 crore which will be deposited by the petitioner will be treated as advance for the bill of the month of July 2021. On receipt of such payment, electricity will be restored immediately by the respondent concerned as a temporary measure till 31st of July, 2021 and the petitioner will also give a security deposit by way of bank guarantee within 31st July, 2021 and if such bank guarantee is given by the petitioner, the respondent will give permanent electricity connection to the petitioner.

Needless to mention that the petitioner will go on making the payment of the installments as per letter dated 20th April, 2021 being annexure-p/15 to the writ petition and current bills. In case of default in any of the terms and conditions of payment made above, the respondent will be free to take action in accordance with law including disconnection of electricity.

Writ petition being W.P.A. 10545 of 2021 is disposed of accordingly.

All parties are to act on the server copies of this order duly downloaded from the official website of this Court.

(Md. Nizamuddin, J.)