

23.06.2021
Item No.4
Court No.11
K.B.

**MAT 568 of 2021
with
I.A. No. CAN 1 of 2021**

**Ma Chandi Durga Cement Limited & Anr.
-Vs-
Damodar Valley Corporation & Others**

(Via Video Conference)

Mr. Jishnu Chowdhury
Mr. Souradeep Banerjee
Mr. Suchayan Banerjee
Ms. Moumita Ghosh

.... For the appellants.

Mr. Jaydip Kar
Mr. Prasun Mukherjee

.... For the DVC.

This is an appeal against the order dated 2nd June, 2021 passed by the Hon'ble Single Bench in WPA 10530 of 2021.

By the said order dated 2nd June, 2021, the Hon'ble Single Bench directed the appellants/writ petitioners to pay the electricity bill for the month of April, 2021 in three instalments starting from 10th June, 2021 and the last instalment was directed to be paid on or before 10th August, 2021.

In addition thereto, the Hon'ble Single Bench made observation to the extent that the appellants/writ petitioners would go on paying current electricity bill without claiming any instalment.

The appellants are aggrieved by this observation, which according to them would foreclose the scope of approaching the Distribution Company for grant of further instalment in paying the electricity bill, if occasion so arises.

Mr. Chowdhury, learned Advocate representing the appellants in support of his submission has placed reliance on notice dated 25th May, 2021 issued by the Commercial Department of Damodar Valley Corporation, Kolkata which relates to grant of benefit of instalment in the matter of paying bills.

We have perused such notice dated 25th May, 2021 wherefrom it appears that such notice/circular dated 25th May, 2021 is not applicable in case of the appellants/writ petitioners since the benefit of instalment has been provided to those consumers who have suffered an order of disconnection.

Mr. Jaydip Kar, learned Senior Advocate representing Damodar Valley Corporation, the main contesting respondent, has submitted that on previous occasion also the appellants were granted the benefit of instalment vide order dated 7th August, 2020 passed by another Hon'ble Single Bench in writ petition being WP No. 5560 (W) of 2020 and if such benefit of instalment which is not permissible under the norms of the respondent Distribution Company is extended continuously to the appellants then it will be difficult for the Distribution

Company to provide supply of electricity to the establishment of the appellants.

We have heard the learned Advocates representing the respective parties to this appeal and considered materials on record as well as the order passed by the learned Single Bench in the connected writ petition.

On perusal of the order passed by the learned Single Judge dated 2nd June, 2021 we are not interfering with regard to the grant of benefit of instalment extended to the writ petitioners in so far as the electricity bill for the month of April, 2021 is concerned.

However, considering the case made out by the appellants as well as the submission made on behalf of the respondent Distribution Company, we only observe that in future, if occasion so arises, the appellants may approach the Distribution Company by way of making representation for grant of benefit of instalment and such benefit of instalment will wholly depend upon the decision to be taken by the Distribution Company on consideration of the representation to be made in this regard.

With the above observation, we dispose of the appeal as well as the connected application and the order of the learned Single Judge dated 2nd June, 2021 stands modified to the above extent.

With the consent of the parties the appeal and the application are treated on day's list and are disposed by this common order.

All parties shall act in terms of the copy of the order downloaded from the official website of this Court.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties on compliance of necessary formalities.

(Saugata Bhattacharyya, J.)

(Subrata Talukdar, J.)