

26.08.2021.
Item No. 116.
Court No.13
pk

**W.P.A. No. 8017 of 2020
(Through Video Conference)**

**Anupam Payra
Versus
The WBSEDCL & Ors.**

Mr. Bhaskar Chandra Manna
..for the petitioner.

Mr. Sumit Roy
..for the WBSEDCL.

The writ petitioner complains that he was charged with the offence of theft of electricity. The Distribution company had disconnected electricity supply. A criminal case for theft of electricity under Section 135(1)(a) of the Electricity Act was tried against the petitioner and was dismissed on technical grounds.

The petitioner submits that in view of such discharge, he is entitled to restoration of electricity supply.

It is now well settled that acquittal in a criminal case does not extinguish a civil liability. The current dues of the petitioner are a sum of Rs.85095/-.

In that view of the matter, the electricity connection to the petitioner can be restored only upon payment of the entire pending dues in three monthly instalments commencing on and from 1st September,

2021. Each installment is payable by the 4th day of each month.

Upon payment of the first instalment, the petitioner's electric connection shall be restored upon compliance of all formalities including the reconnection charges.

The current dues shall continue to be paid by the petitioner.

It is made clear that in default of payment of a single instalment or any current dues, the entire supply to the petitioner shall be disconnected and the distribution company shall be entitled to proceed to recover all sums of money from the petitioner.

With the aforesaid observations, the writ petition is disposed of.

There will be no order as to costs.

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

(Rajasekhar Mantha, J.)