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IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 9358 of 2020

Pranab Mondal
Vs.
West Bengal State Electricity
Distribution Company Limited & Ors.

Mr. Sandip Ghosh,
Mr. Partha Sarkar,
Ms. Riya Ghosh
... For the petitioner.

Mr. Samit Ray
... For WBSEDCL.

The petitioner alleges that all on a sudden without there being any arrears in respect of his domestic electric connection, the same has been disconnected. He has filed this writ petition seeking reconnection.

On behalf of West Bengal State Electricity Distribution Company Limited (in short, WBSEDCL), it is submitted that the petitioner's son-in-law, namely, Sambhu Nath Mondal, is enjoying a supply at a different premises for agricultural purpose. The electricity has been drawn from the agricultural supply of Sambhu Nath Mondal to the premises of Pranab Mondal, the petitioner, bypassing the meter installed at the premises of Sambhu Nath Mondal. On inspection, the officials of WBSEDCL, found that there is unauthorized consumption at the premises of

Sambhu Nath Mondal in respect of the agricultural supply and at the same time, Pranab Mondal was making unauthorized use of electricity drawn from the supply of Sambhu Nath Mondal to reduce the consumption in respect of his domestic supply. In such circumstances, WBSEDCL has disconnected the agricultural supply of Sambhu Nath Mondal as also the domestic supply of Pranab Mondal, the petitioner. WBSEDCL has raised two provisional bills on Sambhu Nath Mondal in respect of unauthorized consumption at the premises of Sambhu Nath Mondal as also at the premises of Pranab Mondal, the petitioner. Two final bills have also been raised against Sambhu Nath Mondal. There is no bill either provisional or final as against Pranab Mondal, the petitioner. Pranab Mondal, the petitioner has paid the regular bill for the domestic supply. According to WBSEDCL, though Pranab Mondal, the petitioner has made regular payment of the domestic supply, he is not entitled to reconnection since he has made unauthorized use of electricity drawn from Sambhu Nath Mondal and have thereby got his consumption reduced in respect of his domestic supply. The meter of the petitioner recorded less consumption as the petitioner was using electricity from Sambhu Nath Mondal. The petitioner, therefor, should not be given reconnection unless he pays the dues of Sambhu

Nath Mondal.

WBSEDCL, by their own act has placed themselves into a peculiar position. On a scrutiny of events it appears that in respect of the unauthorized use of electricity from the supply of Sambhu Nath Mondal, WBSEDCL has suffered revenue loss say for 1000 units chargeable at the rate per unit in respect of an agricultural supply. There is a difference in per unit charge in respect of agricultural supply and a domestic supply. So there is a probability that the unauthorized use of electricity of say 1000 units through the supply of Sambhu Nath Mondal on being calculated at the agricultural rate may not take care of the entire revenue loss that may have been suffered by WBSEDCL owing to the difference between the rate per unit in respect of the agricultural and domestic supply. Pranab Mondal, the petitioner, by using electricity from the supply made by Sambhu Nath Mondal may have also reduced his consumption recorded in his own meter for domestic supply. The reduction in domestic supply by Pranab Mondal may not have been accounted for by WBSEDCL, while computing the unauthorized use of electricity by Pranab Mondal, the petitioner. In order to realise the revenue loss said to have been cause by Pranab Mondal by using the supply of Sambhu Nath Mondal, WBSEDCL ought to

have raised a bill for unauthorized use of electricity on Pranab Mondal, the petitioner. Instead thereof, WBSEDCL has raised two separate bills on Sambhu Nath Mondal one allegedly on account of unauthorized use of electricity by the petitioner, Pranab Mondal. This is how two provisional bills have been raised on Sambhu Nath Mondal, resulting in two final bills and there is no bill as against Pranab Mondal, the petitioner. Pranab Mondal, the petitioner, therefor, cannot be hauled up at this stage for having any arrears since there is neither any provisional bill nor any final bill as against him for unauthorized use of electricity. Pranab Mondal, the petitioner, cannot also be at this stage be asked to challenge the two final orders made as against Sambhu Nath Mondal since the two persons are different. Pranab Mondal, therefor, cannot also be directed to pay any amount against the two final bills raised on Sambhu Nath Mondal at this stage. The theory of nexus tried to be propagated by WBSEDCL to defend its action cannot also be gone into, at this stage, when the Court is considering the issue of reconnection. The same will amount to pre-judging an issue which falls in the domain of the Appellate Authority. The Appellate Authority as against the two final orders passed against Sambhu Nath Mondal, if appeals are preferred by Sambhu Nath Mondal has to

go into the action of WBSEDCL regarding the two bills and the nexus. WBSEDCL has to defend the two final orders and bills on the ground as contended now. This Court, therefor, cannot go into this nexus issue or raising of two final bills on Sambhu Nath Mondal at this stage. This Court, though is not inclined to direct reconnection to the petitioner, Pranab Mondal, without paying any amount for the purpose of reconnection, but is helpless due to the acts of WBSEDCL as aforesaid since there is no dues as against Pranab Mondal, both on account of regular consumption or unauthorized use of electricity. This Court, therefor, cannot direct Pranab Mondal to pay even any ad hoc amount for the purpose of reconnection.

In the facts and circumstances as aforesaid, I direct WBSEDCL to reconnect the domestic supply of Pranab Mondal under Consumption ID 100111777 and meter no. T1760731 within seven working days from date. So far as the claim of WBSEDCL, as against Sambhu Nath Mondal, I have not expressed any opinion and WBSEDCL, will be free to take all steps as permissible in law for realising money from Sambhu Nath Mondal or against the petitioner on proving the nexus even after passing of the instant order.

Nothing further remains to be adjudicated

in the writ petition and the same is accordingly disposed of without any order as to costs.

Since I have not called for any affidavits, the allegations contained in the writ petition are deemed to have not been admitted by the respondents.

Urgent photostat certified copy of this order, if applied for, is to be given to the parties upon compliance with the necessary formalities.

(Arindam Mukherjee, J.)