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09.02.2022
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WPA No.1951 of 2022

Basudeb Ghosh

Vs.

The West Bengal State Electricity Distribution
Company Limited and others

(Via Video Conference)

Mr. Srikanta Datta

.... for the petitioner

Mr. Soumyajit Chakraborty

.... for the WBSEDCL

Learned counsel for the petitioner argues that despite the petitioner having paid some amounts out of the arrear dues alleged by the Distribution Licensee, the petitioner's electric connection has been cut off by the Distribution Licensee on the allegation of default of such payment.

It is further submitted that the petitioner is now agreeable to deposit the necessary charges along with the balance arrears, after deducting the actual amount already paid, for getting restoration of electric connection from the Distribution Licensee. Learned counsel for the petitioner further submits that such reconnection may be given for the time being upon

payment of fifty per cent of the dues by the petitioner, subject to further payment of the balance dues by the petitioner.

Learned counsel for the Distribution Licensee controverts such submissions and submits that the defective (burnt) meter has already been replaced by the Distribution Licensee and also raises a dispute as regards the actual amount paid by the petitioner.

That apart, learned counsel for the Distribution Licensee also refutes the submissions of the petitioner that the petitioner should get reconnection upon payment of fifty per cent of the amount.

The law is very clear on the subject, as specified under Section 127 of the Electricity Act, 2003, which stipulates that only upon deposit of fifty per cent of dues, the consumer acquires a mere right to prefer an appeal against a final assessment order. As such, a better right cannot be granted by a court of law than that vested by the statute by directing the reconnection only on payment of fifty per cent of the dues, which will amount to allowing the appeal prior to the same being heard.

Inasmuch as the payments allegedly made by the petitioner are concerned, there is substance in the submission of the petitioner that the Distribution

Licensee ought to deduct the same and calculate the balance amount as claim.

Accordingly, WPA No.1951 of 2022 is disposed of by directing the Distribution Licensee to consider the representation of the petitioner, as annexed at page-20 (Annexure-P6) of the present writ petition, and to calculate and deduct from the total arrear claims the actual amount, if any, paid by the petitioner to the Distribution Licensee.

Thereafter, the Distribution Licensee shall raise a fresh quotation indicating the arrears payable, along with reconnection and other charges, if any, for the purpose of restoring the electric connection of the petitioner. Such exercise shall be completed by the Distribution Licensee within a fortnight from date. Upon compliance of all formalities by the petitioner thereafter, including payment of the actual dues, the Distribution Licensee shall restore the electric connection to the petitioner at the earliest, preferably within a fortnight from the date of compliance.

It is made clear that this order shall not prevent the petitioner from challenging the fresh assessment made by the Distribution Licensee, if the petitioner is aggrieved with such fresh assessment, before the appropriate authority as designated under the extant

Regulations framed by the West Bengal Electricity Regulatory Commission.

There will be no 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.)