

ML-51
Ct No.09
08.09.2022
TN

WPA No. 2463 of 2003

Rabindra Nath Ghosh
Vs.
State of West Bengal and others

Mr. Anath Bandhu Dutta,
Mr. Sanjib Kr. Mukhopadhyay,
Mr. Mukesh Kr. Gupta

.... for the petitioner

Mr. Tapan Kumar Mukherjee,
Ms. Debdooti Dutta

.... for the State

Mr. Sujit Sankar Koley

.... for the WBSEDCL

Learned counsel for the petitioner submits that despite a consent order dated October 13, 2001 passed by the Lok Adalat where both the petitioner and the West Bengal State Electricity Board (WBSEB), which is the predecessor company of the West Bengal State Electricity Distribution Company Limited (WBSEDCL), were parties, the same is being flouted by the WBSEDCL.

Learned counsel for the Distribution Licensee submits that there are huge dues in the meantime from the petitioner, who is also a consumer of electricity, to the WBSEDCL, which ought to be cleared off first.

A perusal of the order dated October 13, 2001 annexed at page 19 (Annexure P1 to the writ petition) indicates that the parties agreed before the Lok Adalat to the position that the concerned electricity poles would be removed and installed at proper place and the petitioner shall bear the costs for such changes. The officer of the WBSEB (now WBSEDCL) was to visit the site for inspection at a particular time when the petitioner or the petitioner's representative was to remain present to assist the inspection. It was further agreed that the bills already served to the petitioner, payment of which had also been made by the petitioner, would be adjusted against future bills. The shifting of poles and electricity supply, it was observed, would be made within a fortnight from the date of inspection and deposit of the costs by the petitioner.

Since it transpires from the submissions of the WBSEDCL that further dues have accrued from the end of the petitioner, although it is not admitted by learned counsel for the petitioner, the same furnishes a separate cause of action inasmuch as the WBSEDCL is concerned. In the event of non-payment of current electricity charges, the WBSEDCL, in any event, has the liberty to proceed under the law with regard to the electricity supply given to the petitioner. However, the

same does not have a direct nexus with the consent order passed by the Lok Adalat, which mandates the WBSEDCL to shift the electricity poles-in-question from their existing position within a fortnight from the date of the following inspection at the cost of the petitioner.

Hence, WPA No. 2463 of 2003 is disposed of by directing the parties to comply with the order dated October 13, 2001 passed by the Lok Adalat in connection with W.P. 13852(W) of 2001 (Annexure P1 at page 19 of the present writ petition). Such compliance shall be done with immediate effect and as expeditiously as possible. For such purpose, the WBSEDCL shall hold an inspection as stipulated in the said order on a date within a week from this date, with prior notice of the same to the petitioner.

However, it is reiterated that the issue raised by the WBSEDCL as to alleged non-payment of current electricity charges by the petitioner has not been entered into or touched in any manner by this court while passing the present order and it will be open to the WBSEDCL to take appropriate steps in accordance with law in that regard, irrespective of the compliance of the present order.

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.)