

4th April,
2022
(AK)
03

W.P.A 4523 of 2022

Salam Sk. @ Abdur Salam
Vs.
The West Bengal State Electricity Distribution Company
Limited and others

Md. Kutubuddin
...for the petitioner.

Mr. Kanak Kiran Bandyopadhyay
...for WBSEDCL.

Affidavit-of-service filed in court today be kept on
record.

Learned counsel for the petitioner submits that the
petitioner is a cultivator of extremely poor financial
means and the petitioner's electric supply was
disconnected due to non-payment of electricity charges.

It is contended that the court, keeping in view the
stringent pecuniary condition of the petitioner, may
permit the petitioner to deposit his dues by way of
installments and direct the Distribution Company to give
immediate supply upon payment of the first installment.

Such contention is controverted by learned counsel
for the Distribution Licensee.

It is seen from the ambit of Sections 126 and 127 of
the Electricity Act, 2003 that the statute contemplates
reconnection only upon payment of the full amount
assessed as due, alternatively confers the right to prefer
an appeal against the final order of assessment by the
authority upon payment of fifty per cent of the dues.

Hence, the court cannot grant a relief which is prohibited in the statute itself, that is, a direction for restoration of electric connection without the petitioner preferring an appeal or depositing the full amount due.

Such an order may create a precedent which would be contrary to law.

Accordingly, despite having full sympathy for the petitioner due to his financial condition, WPA 4523 of 2022 is disposed of without granting any relief as prayed for therein and without any order as to costs.

It is made clear that this order will not prevent the petitioner from clearing his entire dues in accordance with law in order to get reconnection of electricity.

If the formalities, including payment of all dues, are complied with by the petitioner, the Distribution Licensee will restore the electricity connection of the petitioner within a week thereafter in accordance with law.

Urgent photostat copies of this order, if applied for, be given to the parties upon compliance of all requisite formalities.

(Sabyasachi Bhattacharyya, J.)