

28th April,
2022
(AK)
05

W.P.A 5442 of 2022

Nikhil Mal
Vs.
The West Bengal State Electricity Distribution Company
Limited and others

Md. Rafiqul Islam
...for the petitioner.

Mr. Sujit Sankar Koley
...for the WBSEDCL.

Learned counsel for the petitioner contends that the petitioner is agreeable to reconnection of the petitioner's electricity supply by the WBSEDCL upon paying up fifty per cent of the arrears of electricity charges due as per the calculation of the WBSEDCL.

It is submitted that vide an order dated March 8, 2022 passed in WPA 3884 of 2022, this court had granted liberty to the petitioner to prefer an appeal against the final assessment order of the WBSEDCL.

However, the petitioner has still not preferred any such appeal.

As a result, on March 12, 2022, the WBSEDCL disconnected the petitioner's electric supply. Thereafter on March 15, 2022 a notice of dues, allegedly dated February 15, 2022, was served by the WBSEDCL on the petitioner.

Learned counsel appearing for the Distribution Licensee submits that the petitioner, despite

disconnection, tried to reconnect the electricity on his own, in contravention of law.

Upon hearing learned counsel for the parties, despite having full sympathy for the septuagenarian mother of the petitioner, who may be suffering for the disconnection, this court cannot grant the relief sought by the petitioner, since the courts ought not to do charity with public money.

The law is very specific on the subject and has been reiterated time without number. Section 126 of the Electricity Act, 2003 specifically stipulates that only on payment of the entire amount which has been provisionally assessed, restoration of connection can be given after disconnection.

Section 127 provides that, only on deposit of fifty per cent of the dues on final assessment, the consumer is entitled to prefer an appeal.

Since the legislature, in its wisdom, has provided the above stipulations, the court's hands are restricted in granting a relief to the petitioner beyond the authority of law.

Moreover, such a precedent would open a flood-gate for defaulting consumers to seek electricity connection only by paying a fraction of the total dues, which ought not to be encouraged.

Accordingly, WPA 5442 of 2022 is dismissed without any order as to costs.

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

(Sabyasachi Bhattacharyya, J.)