

AD-17
Ct No.09
10.11.2022
TN

WPA No. 5634 of 2022

Debasish Gupta

Vs.

West Bengal State Electricity Distribution Company
Limited (WBSEDCL) and others

Ms. Pompey Bose,
Mr. Abhijit Sarkar,
Mr. Raja Biswas,
Mr. Nirmalendu Bera

.... for the petitioner

Mr. Saurav Chaudhuri

.... for the WBSEDCL

Mr. Arun Kumar Roy,
Mr. Ziaul Islam

.... for the State

Learned counsel for the petitioner contends, by filing affidavit-in-reply, which is kept on record, that all allegations made by the Distribution Licensee, that is, the West Bengal State Electricity Distribution Company Limited (WBSEDCL) in respect of service of disconnection notices is denied by the petitioner. It is submitted that the petitioner resides at the premises and is a practising lawyer, dealing with the documents of others.

Hence, it is submitted that the unlawful disconnection of electricity of the petitioner without any prior notice ought to be set aside and the electricity connection to be restored.

Upon perusing the pleadings, including the affidavits in opposition and reply, it transpires that although there is no specific proof that the Advocate's notice annexed to the writ petition was served on the Advocate for the petitioner, it is clear from the other documents annexed to the opposition that service of the disconnection notices was effected through various modes several times. Every time, the petitioner could not be found at his address, for which the disconnection notices could not be served. Ultimately, as depicted in the photograph at page – 18 of the opposition, a disconnection notice was affixed to the wall of the premises for the perusal of the petitioner. As such, it cannot be said that proper disconnection notice was not served on the petitioner.

In any event, since the disconnection notices were sent to the correct address of the petitioner, the presumption in law is that such notice was served on the petitioner.

Insofar as the outstanding dues of the petitioner are concerned, the amount thereof is disputed by the petitioner.

However, in the event the petitioner has any such billing dispute, the petitioner has to approach the appropriate authority in law, that is, the concerned Grievance Redressal Officer (GRO). If so

approached, the concerned GRO shall, without being influenced in any manner by any of the observations made herein, decide such dispute in accordance with law upon giving adequate opportunity of hearing to the petitioner and the WBSEDCL expeditiously, preferably within six weeks from the date of such reference by the petitioner.

However, at the present juncture, there cannot be any occasion to hold that the disconnection-in-question was unlawful for lack of service of prior notice, in view of the observations made above.

Accordingly, WPA No. 5634 of 2022 is disposed of with liberty to the petitioner to approach the concerned GRO as indicated hereinabove.

The parties shall act on the communication of the learned Advocates for the parties, accompanied by server copies of this order, without insisting upon prior production of a certified copy thereof for compliance of the same.

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.)