

20th June,
2022
(AK)
02

W.P.A 6230 of 2022

Narayanpur Rice Mill Limited and another
Vs.
West Bengal State Electricity Distribution Company
Limited and others

Mr. Rittick Chowdhury
...for the petitioners.

Mr. Jahar Dutta
Mr. Bipin Ghosh
...for the State.

Mr. Sujit Sankar Koley
...for WBSEDCL.

Learned counsel for the petitioners contends that due to business being stalled in the times of the pandemic, the petitioners' rice mill could not pay off the electricity charges for about six months.

Initially the electricity was severed by the Distribution Licensee.

Thereafter, upon the respondent-authorities having intimated the dues, the petitioners deposited one- third of the outstanding amount.

However, since the entire amount could not be paid, the electricity connection of the petitioners was cut off again.

It is submitted that the petitioners are now willing to pay the entire outstanding amounts. Upon such deposit, the electricity supply of the petitioners may be directed to be restored.

Learned counsel appearing for the WBSEDCL, however, submits that the petitioners are habitual defaulters and such defaults are not limited to the pandemic period.

Moreover, in view of repeated defaults, the agreement between the petitioners/consumers and the WBSEDCL has since been terminated.

Hence, it is submitted that the petitioners have to apply afresh for a new connection. If the petitioners comply with all formalities and clear all the outstanding dues, including late payment surcharge (LPSC) as applicable in law, such connection can only be given to the petitioners thereafter.

Upon hearing learned counsel for the parties, it is evident that the petitioners had admittedly defaulted on several occasions.

There is no scope within the four corners of the Electricity Act, 2003 for reviving a terminated contract, that too, the termination being due to repeated defaults on the part of the petitioners.

Hence, the relief prayed for in the present writ petition cannot be granted.

Accordingly, WPA 6230 of 2022 is dismissed.

However, this order shall not preclude the petitioners from applying for a fresh electricity connection at the premises-in-question.

If so applied for, subject to compliance of all formalities and clearing the outstanding dues, including late payment surcharge (LPSC), the WBSEDCL shall give such electricity connection to the petitioners without being hindered in any manner by any of the observations made herein.

There will be no 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.)