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08.06.2022
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WPA No.9232 of 2022

Biswanath Das
Vs.
The WBSEDCL and others

Mr. Bidyut Halder,
Mr. Indranil Halder

.... for the petitioner

Mr. Srijan Nayak,
Mrs. Rituparna Maitra

.... for the WBSEDCL

Learned counsel for the petitioner submits that despite the appellate forum's order in connection with an assessment under Section 126 of the Electricity Act, 2003, directing revision of the electricity bills of the petitioner, and in spite of the petitioner having already deposited fifty per cent of the claimed amount, which was disputed in the appeal, for the purpose of preferring the appeal, the Distribution Licensee is not restoring the electricity connection of the petitioner. It is contended that the electricity connection is required for operating a submersible pump which directly affects the livelihood of the petitioner and, as such, the same may be directed to be reconnected at the earliest.

Learned counsel appearing for the WBSEDCL points out that, even as per the order of the appellate forum, the conclusion reached was that the assessment against pilferage of electricity for illegal use as 'second offence' on the same premises may be achieved by considering the average run as 20 hours instead of 23 hours per day for the period as assessed by the Assessing Officer.

It is thus submitted that there is every chance that the amount assessed upon revision shall be increased.

Such contention is refuted by learned counsel for the petitioner, who submits, on instruction, that the revision has apparently resulted in reduction of the amount.

Be that as it may, it is anybody's guess as to whether the amount-in-question will be enhanced or reduced after the revision. However, the law is very clear on the subject that, unless a consumer deposits the entire claim amount, no restoration of connection can be given.

In the event the petitioner seeks immediate restoration, the petitioner will be at liberty to deposit the rest fifty per cent of the total amount claimed from the petitioner by the WBSEDCL. If such amount is

paid, within two days thereafter, the WBSEDCL shall restore the electricity connection of the petitioner.

However, in the event the petitioner does not deposit such fifty per cent of the rest of the claim, it will be open to the petitioner, in any event, to deposit the amount of assessment, which the authority arrives at after revision, for getting the electricity connection back.

Since the petitioner is obviously suffering due to disconnection of electricity and his livelihood is being affected, the respondent no.2 is directed to complete the process of revision in accordance with law upon giving opportunity of hearing to both sides, including the petitioner and the WBSEDCL, as expeditiously as possible, positively within one month from date and to intimate the assessed amount to the petitioner immediately thereafter.

Accordingly, WPA No.9232 of 2022 is disposed of in the light of the above observations.

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.)