

**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE**

W.P.A. No. 13555 of 2021

(Via video conference)

**Rafiuddin Mandal
-vs.-
State of West Bengal & Ors.**

Mr. Sekhar Pal,
Mr. Uttam Banerjee
...for the petitioner

Ms. Sujata Ghosh
...for the State

Mr. Rammohan Chattopadhyay
...for the WBSEDCL

The grievance of the petitioner is that the Distribution Company has asked for an exorbitant amount of money in lieu of delayed payment surcharge for restoring the connection to the petitioner's property.

Learned counsel appearing for the petitioner further argues that the petitioner's business is being hampered due to such inaction on the part of the Distribution Company.

Learned counsel appearing for the Distribution Company submits that the charges claimed by the Distribution Company are in accordance with law and not arbitrary, as alleged by the petitioner.

Be that as it may, since it is beyond the jurisdiction of the writ court to enter into the merits of the dispute regarding the assessment made by the Distribution Company with regard to the delayed payment surcharge and other arrear dues and payable amounts, W.P.A. No. 13555 of 2021 is disposed of by granting the petitioner liberty to approach the concerned Grievance Redressal Officer within a week from date challenging the amount sought by the Distribution Company from the petitioner for restoring connection.

If such an approach is made, the Grievance Redressal Officer shall decide the same in accordance with law upon giving adequate opportunity of hearing to all interested parties, as expeditiously as possible, preferably within four weeks from the date of the reference. In the alternative, it will be open to the petitioner to waive the right to challenge the assessment and to deposit the entire amount, as claimed by the Distribution Company, for getting restoration of connection. If such amount is cleared and all formalities are complied with by the petitioner, the Distribution Company shall restore such connection to the petitioner in accordance with law.

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 of all necessary formalities.

(Sabyasachi Bhattacharyya, J.)