

D/L. 32.
November 23, 2022.
MNS.

WPA No. 19765 of 2022

Ajit Kumar Kasid
Vs.
The State of West Bengal and others

Ms. Rita Patra,
Mr. Firoj Ahmed Begg

... for the petitioner.

Ms. Bandana Basu

...for the Distribution Licensee.

Affidavit-in-reply filed in Court today be
kept on record.

Learned counsel for the petitioner
contends that the petitioner was charged twice for
giving same electricity connection to the
petitioner. Although the petitioner had sought the
electricity connection in the year 2009, upon
paying the quotation amount on October 10,
2009, at a particular plot of land, due to
subsequent hot altercation with the neighbour,
the connection could not be taken on such land.
Accordingly, the connection was given to a
different plot. The West Bengal State Electricity
Distribution Company Limited (WBSEDCL), while
giving the said connection, insisted upon payment

of a further amount of Rs.88,453/- as service connection charges (additional). It is contended that the petitioner has verbally prayed for refund of the extra amount deposited by him several times, but to no effect.

Learned counsel appearing for the WBSEDCL controverts such allegations and submits that it is the petitioner at whose behest the electricity connection had to be given to a different plot than the one for which it was initially applied.

It is further pointed out by learned counsel for the WBSEDCL that, for giving the industrial connection, resources had already been spent and work had progressed substantially when the petitioner again sought for an alteration of the premises.

Hence, while charging the petitioner additional service charges, the WBSEDCL excluded the labour costs, security deposit and other incidental charges. However, in view of the aforesaid developments, it is contended that the petitioner was liable to pay the amount.

That apart, learned counsel for the WBSEDCL argues that the additional amount was duly paid by the petitioner on January 9,

2014. As such, the present claim of the petitioner is merely an afterthought and time-barred.

Upon considering the submissions of the parties and going through the materials on record, it is clear that the petitioner had initially paid costs to the tune of Rs.1,21,589 on October 10, 2009 for the purpose of getting an industrial connection.

However, it is seen that subsequently, as per the prayer of the petitioner, the connection was given at a different plot upon further quotation amount being paid for the additional service connection charges on January 9, 2014.

It is evident from the records that the petitioner was never charged doubly for the same electricity connection under the same head by the WBSEDCL at any point of time.

In fact, it was the petitioner who requested for shifting of the land where the electricity connection was sought.

The dispute raised by the petitioner as regards the petitioner being entitled to the entire amount previously paid cannot be entertained at all.

The WBSEDCL has taken a specific stand that the work had progressed substantially on the

initial payment of the petitioner, after which the connection had to be given elsewhere, that too, admittedly at the behest of the petitioner. Hence, there cannot be any reason for directing the WBSEDCL to refund any amount to the petitioner.

In any event, even if a money suit was filed or a money claim was made by the petitioner in the year 2022, when the present writ petition, has been filed in the absence of anything to substantiate the petitioner's claim that the petitioner had been claiming the amount deposited previously, the claim is palpably time-barred in the year 2022 when the present writ petition has been filed, since the last occasion of additional payment took place on January 9, 2014.

That apart, the petitioner has acquiesced to the payment by depositing the said amount long back in the year 2014 and having kept silent as regards any challenge to the same. In the absence of such challenge for the long period of eight years being substantiated from the records, it does not lie in the mouth of the petitioner, at this belated juncture, to ask for refund of the money, which he agreed to pay and took benefit of by

having the industrial electric connection. Hence, the prayers made in the writ petition are not tenable in the eye of law in any respect whatsoever.

Accordingly, WPA No. 19765 of 2022 is dismissed on contest without any 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.)