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

W.P.A. No. 18534 of 2019

Sailen Swarnakar

-vs.-

State of West Bengal & Ors.

Mr. Debasis Sur,
Mr. Mrinmoy Chatterjee
...for the petitioner

Mr. Mihir Kundu
...for the WBSEDCL

Learned counsel appearing for the petitioner argues that, without disclosing any basis, the Distribution Licensee has charged exorbitant amount as fixed charges for electricity in respect of an unmetered connection of the petitioner.

It is submitted that in view of there being no specific regulation governing such charge, the method by which the charge was levied remains opaque.

Learned counsel appearing for the Distribution Licensee, by placing reliance on clauses (f) and (g) of paragraph no. 3 of the affidavit-in-opposition filed by respondent no. 2 to 4, contends that the electricity connection was temporarily disconnected for non-payment of dues and no application was made for permanent disconnection.

In clause (g) of paragraph 3 of the affidavit-in-opposition, the Distribution Licensee has clearly disclosed the basis of charging the fixed charges.

It appears from clause (f) of paragraph no. 3 of the affidavit-in-opposition that a clear basis of charging the fixed charges has been further disclosed by the Distribution Licensee.

The basis for such charge, as disclosed in the affidavit-in-opposition, is the tariff chart of the Distribution Licensee. It is beyond the scope of the present writ petition to decide the veracity of the tariff chart. However, nothing has been established from the petitioner's end to render the calculations of fixed charges by the Distribution Licensee invalid.

In the affidavit-in-reply, the petitioner has merely contended that there is no specific regulation governing fixed charges, although learned counsel appearing for the Distribution Licensee correctly submits that, as per Regulation 55 dated August 07, 2013, Clause 4.10, the West Bengal Electricity Regulatory Commission clearly provides for fixed charges.

Moreover, the petitioner's connection was severed and the amount was charged on the basis of fixed charges as per the tariff rates of the Distribution Licensee. Since the connection was an unmetered one, no fault can be found with such mode of calculation of the Distribution Licensee.

Accordingly, there is no merit in the writ petition and the same is dismissed without, however, any 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.)