

AD-15
Ct No.09
14.12.2022
TN

WPA No. 26865 of 2022

Jagadish Mistry
Vs.
The State of West Bengal and others

Mr. Syed Arif Ahmed,
Mr. Bappaditya Roy

.... for the petitioner

Mr. Shouveek Ray

.... for the respondents

The limited grievance of the petitioner is that the petitioner is a daily labour and his daughter's marriage is impending. As such, since the petitioner is not in a financial position to pay up outstanding dues charged by the West Bengal State Electricity Distribution Company Limited (WBSEDCL) for the electricity consumption from the petitioner's electricity meter, the petitioner seeks instalments with regard to such payment. It is submitted that a representation to that effect was given to the Station Manger, Joynagar Customer Care Centre, WBSEDCL on September 06, 2022.

Learned counsel for the WBSEDCL controverts the submission that any representation was made with regard to the meter-in-dispute. It is pointed out from the interpolation by hand at page-19 of the writ

petition that the consumer number of the meter, with regard to which the representation was made, was different than the present disputed meter and the same was subsequently rectified by the petitioner. It is further contended that the representation does not mention any instalment in any portion thereof.

It transpires from the purported representation that the petitioner claimed to be a poor person and sought restoration of the electricity connection on the basis of payment of one-fourth of the due amount, that is, near about Rs.21,000/-, at a time.

However, the expression “at a time”, roughly translated, can be construed as a prayer for instalment.

In any event, since the petitioner has disclosed the petitioner’s predicament in the present writ petition, the WBSEDCL ought to consider the specific proposal of the petitioner for instalments and prior restoration of the electricity connection, if such an application is made to the WBSEDCL.

Accordingly, WPA No. 26865 of 2022 is disposed of by granting liberty to the petitioner to approach the WBSEDCL with a request for payment of the outstanding dues of the petitioner with regard to his electricity meter by instalments. The petitioner, in such request, shall specify clearly the amounts to be

paid by the petitioner by each of the instalments and the number of instalments requested for.

Upon such an application being made, the WBSEDCL shall decide on the same as expeditiously as possible and sympathetically, keeping in mind the financial condition of the petitioner.

This court has not gone into the merits of the claim of instalments made by the petitioner. It will be open to the concerned authority of the WBSEDCL to decide on such issue according to its discretion and 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 with the requisite formalities.

(Sabyasachi Bhattacharyya, J.)