

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

W.P.A. No. 2885 of 2023

Samir Seikh alias Samiruddin Sk.

Vs.

The State of West Bengal & Ors.

Mr. Ayan Kumar Boral,

Mr. Anisur Rahman,

... for the petitioner

Mr. Debjit Mukherjee,

Ms. Susmita Chatterjee

...for the State

Ms. Suvasree Ghose

...for the WBSEDCL

Learned counsel appearing for the petitioner submits that fifty per cent of the final assessment amount was paid by the petitioner previously. A receipt in that regard has been annexed at page 12 of the writ petition as annexure P-2.

It is, thus, contended that since the petitioner is now willing to pay the balance fifty per cent amount, the Distribution Licensee may be directed to restore the connection of the petitioner.

Heard learned counsel for the parties.

It transpires that an allegation of pilferage was made against the petitioner, which ultimately

culminated in an appeal under Section 127 of the Electricity Act, 2003, where the petitioner has failed.

However, in view of the fact that the petitioner is now willing to pay the balance amount, which remains unpaid till date, out of the final order of assessment, there cannot be any further impediment in restoring the electricity connection to the concerned consumer.

Even keeping in mind that the petitioner himself is not a consumer of the WBSEDCL (West Bengal State Electricity Distribution Company Limited), as the petitioner is agreeable to deposit the entire balance amount on behalf of the consumer and as the aspersion of pilferage was cast against the petitioner, the petitioner undoubtedly has a right to make good the wrong committed by him by paying the entire balance amount for the purpose of restoration of connection.

Accordingly, W.P.A. No. 2885 of 2023 is disposed of by granting liberty to the petitioner to deposit the balance amount, by deducting the amount already paid by the petitioner out of the total amount assessed in the final assessment order by the WBSEDCL, within a month from date.

As and when such amount, including other statutory amounts, if payable under the law, is deposited by the petitioner, the WBSEDCL shall take all necessary steps for restoring the electricity

connection of the consumer concerned and such restoration shall be effected preferably within a week from the date of deposit of such amount by the petitioner.

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.)