

D/L. 32.
February 27, 2023.
MNS.

WPA No. 4390 of 2023

Debu Hemram
Vs.
The State of West Bengal and others

Mr. Uttam Banerjee,
Mr. Arunesh Pathak,
Mr. Aniruddha Singha Roy,
Mr. Mrinal Biswas,
Mr. A. Chatterjee

... for the petitioner.

Mrs. Rupsha Chakraborty

...for the State.

At the outset, it is submitted by learned counsel for the petitioner that the petitioner is, in principle, agreeable to pay the assessed electricity dues by way of final order of assessment against the petitioner by the West Bengal State Electricity Distribution Company Limited (WBSEDCL), by installments. It is submitted that the petitioner is of humble financial means and, as such, the petitioner be permitted to pay up the dues by installments.

Despite service, none appears for the WBSEDCL, although the State is represented through counsel. Affidavit-of-service filed in Court today be kept on record.

In view of the fact that the petitioner has not preferred any appeal as yet against the final order of assessment, there is little scope of interference in the present writ petition. Moreover, the language of the Statute is clear with regard to reconnection, in so far as Section 126 of the Electricity Act, 2003 (2003 Act) stipulates that the entire assessed dues have to be paid for the purpose of getting reconnection.

However, keeping in view the fact that the petitioner is a teacher by occupation and has some financial constraints as well as a family to maintain, which is also comprised of children, liberty is granted to the petitioner to approach the WBSEDCL asking for installments and for restoration of electricity connection on the payment of the first installment.

In the alternative, the petitioner is also at liberty to prefer an appeal against the final order of assessment made by the WBSEDCL against the petitioner before the appellate authority under Section 127 of the 2003 Act.

WPA No. 4390 of 2023 is accordingly disposed of in the light of the above observations.

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.)