

D/L. 7.
April 10, 2023.
MNS.

WPA No. 5869 of 2023

Subrata Sadhukhan
Vs.
The West Bengal State Electricity
Distribution Company Limited and others

Mr. Tanmoy Chowdhury,
Ms. Ritoprita Ghosh

... for the petitioner.

Mr. Sujit Sankar Koley

...for the WBSEDCL.

Learned counsel for the petitioner vociferously argues that the petitioner has been sent a disconnection notice under Section 56(1) of the Electricity Act, 2003 ("the 2003 Act") on the allegation of non-payment of electricity charges.

It is further submitted that there is discrepancy between the bills sent by the West Bengal State Electricity Distribution Company Limited (WBSEDCL) itself, as annexed to the present writ petition.

Learned counsel appearing for the WBSEDCL points out that the writ petition is not

maintainable on the ground of *res judicata*, if not on merits as well. It is submitted that the petitioner initially filed a writ petition; being unsuccessful at which the petitioner also instituted a civil suit. The suit was subsequently dismissed, against which an appeal was preferred by the petitioner. The same also met with dismissal. Thereafter the present writ petition has been filed. It is further submitted that the petitioner had also, at one stage, moved the Consumer Disputes Redressal Forum with the same dispute.

Learned counsel for the petitioner has placed particular reliance on the quanta mentioned at pages 64 and 65 of the writ petition. It is seen that in the bill annexed at page 64, the outstanding amount was shown to be Rs.3,68,737.56. The billing date of the same was February 20, 2023.

Page 64 of the writ petition contains a photocopy of the bill for the month of March, 2023, which indicates that the outstanding dues are Rs.3,69,648/-.

As such, there is no discrepancy whatsoever between the said two bills, apart from

the natural increment in the bill amount due to the expiry of one month in the interregnum.

That apart, the petitioner has been forum-shopping repeatedly and has tried his luck before all possible forums and is merely abusing the process of court by filing one litigation after another against the WBSEDCL on the self-same cause of action.

The disconnection notice issued by the WBSEDCL, issued after failure of the petitioner before all forums, including the Civil Court and the First Appellate Court as well as the Consumer Dispute Redressal Forum and the previous writ petition, cannot be faulted from any perspective. Hence, there cannot be any further scope of sustaining the electricity connection of the petitioner.

As such, WPA No. 5869 of 2023 is dismissed on contest.

In view of the recalcitrant attitude of the petitioner and repeated attempts to abuse the process of court, the petitioner shall pay costs of Rs.50,000/- (Rupees fifty thousand) only to the WBSEDCL within a fortnight from date.

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.)