

05.06.2023

Item No.24

Ct. No.1

RP/KS

WPA (P) 236 of 2023

Sujit Gupta

vs.

The State of West Bengal & ors.

Mr. Kishore Dutta

Mr. S. Mukherjee

Mr. Subhankar Chatterjee

... Petitioner

Mr. N. Chatterjee

Mr. A. Lal Chatterjee

Mr. Tarun Kumar Ghosh

Mr. Benezir Ahmed

... for State

Mr. Aniruddha Chatterjee

Mr. Piyush Agarwal

Ms. Utsha Dasgupta

... for respondent no.2

1. The petitioner seeks to bring to light a very startling situation by which several crores of rupees remained unpaid towards electricity dues in Coochbihar district in the State of West Bengal. The 2nd respondent, the licensee company, does not dispute the fact that the electricity charges to the tune of several crores are due from about 4.5 lakh consumers for the electricity consumed by them. If such is the position, it is to be seen as to how the situation can be redressed.

2. The right to enjoy the electricity supply is undoubtedly an indispensable right but nevertheless it is regulated by the terms and conditions of supply. Therefore, a consumer cannot claim that he or she should be entitled for electricity supply without making any payment for the consumption of electricity. It is not clear as to why the licensing company is unable to recover the charges. It is submitted by learned advocate appearing for the licensee company that action has been initiated by the licensee company by lodging First Information Report yet on account of the large scale default the licensee company is unable to recover the dues, more particularly, in the absence of effective and active support of the District Administration.
3. Considering the monstrosity of the situation, we direct the 2nd respondent/Company to submit a representation to the District Magistrate and the Superintendent of Police of

Coochbehar District clearly listing out the names of the defaulters and what is the nature of assistance/protection required by the officials of the Company to recover the dues. The District Magistrate and the Superintendent of Police shall also resort to sensitizing the public before any coercive action is taken by making them aware that they are bound to pay the consumption charges for the electricity supplied to them.

4. Therefore, we direct the 2nd respondent to approach the concerned District Magistrate and the Superintendent of Police by way of a requisition/application clearly setting out as to what is required by them for recovery of the dues payable to the 2nd respondent and when the same is submitted, the District Magistrate and the Superintendent of Police shall hold discussion with the officials of the 2nd respondent to work out the modalities for recovery of the arrears of electricity charges. In case, where the electricity supply has been disconnected on account of default, if those consumers are

willing to pay the arrears and reconnection charges, the 2nd respondent shall restore the electricity supply to them.

5. In the light of the above submission, the writ petition stands disposed of.

(T. S. SIVAGNANAM)
CHIEF JUSTICE

(HIRANMAY BHATTACHARYYA, J.)