

D/L. 19.
July 13, 2023.
MNS.

WPA No. 12246 of 2023

Sk. Murad Ali
Vs.
The State of West Bengal and others

Md. Alauddin Mondal

... for the petitioner.

Mr. Debjit Mukherjee,
Mrs. Susmita Chatterjee

...for the State.

Mr. Sujit Sankar Koley

...for the WBSEDCL.

Learned counsel for the petitioner contends, by placing reliance on a photograph which is handed over in Court that on May 19, 2023, that is, the date of passing of an order of *status quo* by this Court, the West Bengal State Electricity Distribution Company Limited (WBSEDCL) unlawfully disconnected the electricity supply of the petitioner.

It is submitted that the same be reconnected, since the petitioner is suffering with his family during the summer season due to lack of electricity supply.

Learned counsel for the WBSEDCL places reliance on a handwritten letter, purportedly given by the petitioner to the respondent authorities, where it has been requested by the petitioner that the Distribution Licensee may reduce the amount and helps out the petitioner. In the said letter, the petitioner has further assured the WBSEDCL of his sincerity and honesty in future and has requested the WBSEDCL to help him in this grave situation.

It is submitted that in view of such admissions, the allegations made in the writ petition are misplaced. In any event, a provisional order of assessment has been passed, which has not yet reached culmination.

Learned counsel for the WBSEDCL suggests that the allegation of disconnection in violation of the Court's order is incorrect since the disconnection has been effected long prior to the status quo order being passed by this Court.

Upon hearing the contentions of the parties, what is evident is that a provisional order of assessment was passed previously. Vide order dated May 19, 2023, this Court had directed the parties to maintain *status quo* with regard to the electricity connection of the petitioner, on

recording the allegation that the WBSEDCL was going to disconnect the electricity supply of the petitioner.

Since a controversy has been raised as to the date of disconnection, the question remains arguable, although the fact remains that the petitioner has not suffered any final order of assessment as yet.

It has been submitted by the WBSEDCL that the order dated May 19, 2023 was interpreted by the said authorities to be that the same also prevented them from drawing up a final order of assessment. Giving benefit of doubt to the WBSEDCL for such misinterpretation, it is deemed that the respondent authorities are still in time to draw up a final assessment on hearing the petitioner.

Accordingly, WPA No. 12246 of 2023 is disposed of by directing the WBSEDCL to give an opportunity of hearing to the petitioner on the provisional order of assessment and to pass a final order of assessment considering the request, if any made by the petitioner.

It is made clear that in the event the petitioner is aggrieved by the final order of assessment, it will be open to the petitioner to

challenge the same before the appellate authority in due process of law.

In the meantime, if the petitioner deposits the provisionally assessed amount, the electricity connection shall be restored by the WBSEDCL in accordance with law.

In so far as the allegation of violation of *status quo* order is concerned, there is nothing on record to establish the same beyond doubt. Since the issuance of a Rule of Contempt stands on extreme footing and requires satisfaction of court beyond reasonable doubt, such a step is not being taken at the present juncture.

However, it will be open to the petitioner to file an appropriate contempt application, if the petitioner so desires, where the parties shall be heard and appropriate order shall be passed without being influenced by any of the observations made herein.

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.)