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18.07.2023
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IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

W.P.A. No. 16378 of 2023

Abdul Aziz Sk.

Vs.

The West Bengal State Electricity
Distribution Company Limited & Ors.

Mr. Golam Mastafa,
Mr. S. Sardar

...for the petitioner

Ms. Susmita Chatterjee

...for the WBSEDCL

Learned counsel for the petitioner submits that the petitioner is the son of the deceased erstwhile consumer of electricity. When the petitioner sought for restoration of electricity connection, an exorbitant bill was raised by the WBSEDCL to the tune of Rs.1,03,311/-. It was stated by the WBSEDCL in their communication that the said amount was due even upon application of an one-time waiver Scheme issued by the State Government.

It is however, submitted that the petitioner is a cultivator by occupation and requires some installments to clear off the said dues.

Learned counsel for the petitioner submits that a prayer to that effect was also made to the WBSEDCL.

In view of the nature of the writ petition, it would be welcome if the WBSEDCL takes a compassionate view with regard to the representation made by the petitioner keeping in view the financial condition of the petitioner.

Accordingly, W.P.A. No. 16378 of 2023 is disposed of by directing the WBSECL to consider the representation of the petitioner, annexed at page 17 of the writ petition with a sympathetic approach.

However, such view, if taken by the WBSEDCL, shall be a one-time affair and shall not create any precedent in any future matter.

Upon decision on the representation being taken, a communication in that regard shall be made by the WBSEDCL to the petitioner within a week from date.

Upon the first of such instalments being paid by the petitioner, the electricity connection shall be restored by the WBSEDCL to the petitioner.

Although, it is submitted that Late Payment Surcharge is required to be paid by the petitioner,

in view of pendency of the writ petition and the prior representation of the petitioner not being considered by the WBSEDCL, there could not any occasion to impose such Late Payment Surcharge by the WBSEDCL.

Accordingly, the WBSECL, while calculating the installments, shall restrict itself to the claim as made in its communication, which has been annexed to the present writ petition, without claiming any further Late Payment Surcharge.

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.)