

**Calcutta High Court
In the Circuit Bench at Jalpaiguri
Appellate Jurisdiction**

01 04.9.2023
(Supple) Ct. no. 2
Sc

WPA 2119 OF 2023

Debpara Tea Company Limited

Vs.

The West Bengal State Electricity
Distribution Company Limited & Ors.

Mr. Bikramaditya Ghosh
Ms. Supriya Singh.

....For the Petitioner

Mr. Sudipta Kanta Bhowmik
Ms. Dipti Bhowmik
Mr. Anirban Banerjee.

...For the Respondents

Affidavit-of-service, filed in Court today, is
taken on record.

Mr. Bikramadity Ghosh, learned counsel
appears for the petitioner.

Mr. Sudipta Kanta Bhowmik, learned counsel
appears for the respondents.

Alleging illegalities and violation of statutory
provision, the ***petitioner has challenged the
Notice of Termination dated August 14, 2023,
Annexure-P4 at page 44 to the writ petition,
issued by the respondent no.3.*** The notice
suggests that, the ***outstanding amount on***

account of electricity consumption by the petitioner was for **Rs.24,30,857/- as on August 14, 2023.**

Learned counsel appearing for the respondents submits that, **in addition**, there has been accrual of a sum of **Rs.1,13,000/-** on account of a **Late Payment Surcharge** and a **further sum** of **Rs.1,56,000/-** on account of consumption of electricity for the month of **August 2023, aggregating together it comes to Rs.27,75,000/-** to be paid by the petitioner. The **electricity connection** has been **temporarily discontinued since April 11, 2023** and the Electricity Distribution Company has been taking steps for permanent disconnection on the ground of default as submitted by the learned counsel for the respondents.

Mr. Bikramadity Ghosh, learned counsel for the petitioner, on instruction from his client, prays for an easy instalment.

Considering the statutory dues payable by the petitioner to the Electricity Distribution Company and also balancing the equity in the matter, the petitioner shall pay **Rs.15,00,000/-** (Rupees fifteen lakh only) on or before **September**

15, 2023 and the **balance amount** shall be paid on or before **October 30, 2023**.

In the event the first instalment of Rs.15,00,000/-(Rupees fifteen lakh only), as directed above, stands paid, the Electricity Distribution Company **shall immediately restore** the electricity supply in favour of the petitioner within **24-hours** from date of receipt/encashment of the payment.

However, the Electricity Distribution Company shall go on raising its bill for the subsequent months and the petitioner shall pay the same in accordance with law.

In the event **the entire amount, as directed above, is not paid latest by October 30, 2023**, the Electricity Distribution Company **shall be at liberty to disconnect and discontinue the electricity supply within 24-hours after the expiry of October 30, 2023**.

Since affidavits are not called for, the allegations made in this writ petition are deemed not to have been admitted by the respondents.

On the above terms, this writ petition, **WPA 2119 of 2023** stands disposed of, without any order as to costs.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Aniruddha Roy, J.)