

29.04.2024
Item No.34
RP
Ct. No.1

**MAT 265 of 2024
With
IA No.CAN 1 of 2024**

**LA-Chemico Pvt Ltd. And Anr.
Vs.
West Bengal State Electricity Distribution Company
Limited And Ors.**

Mr. Tanoy Chakroborty
Mr. Keshav Kr. Daruka
.....for Appellants
Mr. Srijan Nayak
Ms. Rituparna Maitra
.....for WBSEDCL

1. This intra-Court appeal filed by the writ petitioners is directed against the order dated 24.01.2024 passed in WPA 28469 of 2023. The sole ground urged before us in this appeal is with regard to correctness of the findings recorded by the learned Single Bench in paragraph nos.24 to 26 of the impugned order. The learned Single Bench has interpreted the scope of Clause 12.3 of the Tariff Regulation framed by the West Bengal State Electricity Regulatory Commission. The question is as to whether the appellant, whose service connection (high tension) was disconnected on account of non-payment of the consumption charges, would be entitled to maintain a plea in terms of Clause 12.3 of the notification. This clause deals with reduction of load. It states that on receiving of the application for reduction of load such reduction of load will be effected on the next billing cycle from the date of receipt of the request from the consumer and the effect of tariff will be effected on the next billing cycle.. The said Clause 12.3 falls under the main clause 12.0, which deals with

modification to the existing connection. Thus, it presupposes that for a person to be entitled to avail such benefit under Clause 12.3 he/she should be a consumer and not a defaulter. Thus, reduction of load will be effected only in the next billing cycle from date of receipt of the request from the consumer for connection. This also presupposes that consumption charges has to be paid in accordance with law. Admittedly, the appellants were defaulters and its service connection was disconnected and within the period of 180 days the respondent/licensee company cannot disconnect the connection as there is a contract and as per the agreement the appellants should pay the consumption charges for the said period. Therefore, the findings recorded by the learned Single Bench is perfectly right.

2. Learned advocate for the appellants submits that the appellant company is under severe financial distress and he requests that the respondents should be directed to accept the arrears in installments. This Court has not issued any positive direction in this regard. However, if the regulation permits the respondents may consider such request and for which the appellants are required to be submitted a representation before the respondent company.
3. Needless to say that if arrear and other charges are fully paid it will be open to the appellants to submit a request for service connection for which formalities are to be complied with.

4. For the above reasons, the appeal and the connected application are dismissed.

(T. S. SIVAGNANAM)
CHIEF JUSTICE

(HIRANMAY BHATTACHARYYA, J.)