

D/L.10.
May 14, 2024.
MNS.

WPA No. 12832 of 2024

Kazi Abdur Rashid
Vs.
The West Bengal State Electricity
Distribution Company Limited and others

Mr. K. M. Hossain,
Mr. Kazi Ardan Ali

... for the petitioner.

Dr. Madhusudan Saha Roy

...for the WBSEDCL.

1. Affidavit-of-service filed in Court today be kept on record.
2. Learned counsel for the petitioner submits that the petitioner lives in a mud house with a child of five years and ailing parents.
3. It is contended that all along the petitioner has been charged with electricity bills in the range of 100's of rupees. All on a sudden, by a communication of a provisional assessment order, it was intimated to the petitioner that the petitioner had committed pilferage, for which a huge amount of provisional assessment to the tune of Rs.2,87,286/- was made.
4. Subsequently, in the final assessment order, the said amount was somewhat reduced by

the West Bengal State Electricity Distribution Company Limited (WBSEDCL). The petitioner deposited 50% of the dues and preferred an appeal. The appellate authority, however, merely directed that the average run is to be considered as 16 instead of 19 hours per day for the period as assessed by the Assessing Officer and directed the WBSEDCL to revise the energy bill for pilferage/loss of electricity.

5. Accordingly, a revised bill was sent to the petitioner, which enumerated the payable amount of Rs.1,86,734/-. It is submitted that in view of a substantial chunk of the payment having already been made, the petitioner be given an opportunity of going back before the appellate authority and challenge the calculations made while coming to the conclusion regarding such assessment.
6. However, it is found from the annexure to the writ petitioner itself that along with the provisional order of assessment, a full breakup and exact quanta of calculations have been given by the WSEDCL. Moreover, I do not find any error in the decision-making process to the appellate authority.

7. That apart, it is not reflected in the order of the appellate authority that any challenge was preferred regarding the calculations by the petitioner. Even in the representation given by the petitioner, I do not find any such challenge having been thrown to the break-up of calculations.
8. Thus, it would not be appropriate to remand the matter to the appellate authority.
9. However, keeping in view of the circumstances in which the petitioner is having to pass his days in the absence of electricity, particularly keeping in view of composition of his family as reflected in the second paragraph of the present judgment, as a special case, petitioner ought to be given benefit of certain further installments to pay the balance amount to the WBSEDCL.
10. Accordingly, WPA No. 12832 of 2024 is disposed of by directing the petitioner to pay the balance amount of Rs.74,754/- (which is calculations as per the WBSEDCL itself) by five equal monthly installments, to be cleared off to the nearest rupee which remains after such calculation, with the last installment. Each of such monthly instalments shall be

paid by the 20th day of every month, the first of which shall be by May 20, 2024. Thereafter, by the 20th day of each month, the petitioner shall go on paying the rest of the instalments. In default of payment of any of the instalments, however, the WBSEDCL will be at liberty to disconnect the supply of electricity of the petitioner.

11. Upon payment of first installment, the electricity connection will be restored to the petitioner within 48 hours by the WBSEDCL, subject, of course, to the petitioner continuing to pay the rest of the instalments along with the current electricity charges for consumption of each billing cycle.

12. It is made clear that even apart from the non-payment of the instalments, if the petitioner defaults in payment of the current electricity charges as well, the WBSEDCL will be at liberty to take due recourse of law by disconnection of such electricity connection of the petitioner.

13. Since the court did not call for the respondents to use any affidavit-in-opposition, it is deemed that the allegations made in the

writ petition are not admitted by the respondents.

14. There will be no order as to costs.

15. 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.)