

09.07.2024
Ct. No. 09
Item No.10
Cp

WPA No. 15660 of 2024

J.P. Rice Mill
Vs.
The State of West Bengal & ors.

Mr. Partha Pratim Roy
Mr. Sunny Nandy
Mr. Anand Jha
Mr. Subha Pathak

....for the petitioner.

Mr. Sujit Sankar Koley

.....for the WBSEDCL.

Ms. N. Banerjee
Mr. Krishna Deo Das

....for the State.

The writ petition has been filed challenging the bill lastly raised by the West Bengal State Electricity Distribution Company Limited as also the disconnection notice for non-payment of outstanding dues of Rs.26,08,238/-. The learned advocate for the petitioner submits that the said amount cannot be claimed by the distribution company in view of the injunction order. Sometime in the past, a bill of Rs.12 lakhs had been raised by the distribution company. Such bill was challenged in a civil suit. The civil court had passed an injunction restraining the authority from disconnecting the supply provided the petitioner paid 50% of the bill. The petitioner accordingly deposited such 50%.

It is also contended by the petitioner that for a subsequent period a sum of Rs.12 lakhs had again been claimed and the petitioner once again paid 50%. Thus, the claim of Rs.26,08,238/- was erroneous as the outstanding dues which were disputed in the suit have been claimed once again.

Mr. Koley, learned advocate appearing on behalf of the distribution company, submits that the petitioner was asked to pay the outstanding dues of the current consumption and not the bill which was the subject matter of the suit. The petitioner could not unilaterally decide that he would pay only 50% of the subsequent bills on its own assumption. One of the bills had been stayed by the civil court. The further bills are payable and the petitioner cannot go on paying 50% of the said amounts.

The petitioner contends that the outstanding dues which were a part of the civil suit have been incorporated in the subsequent bills. The petitioner also challenges the method by which the bills have been raised. The disputed questions of fact cannot be gone into by this court. However, the law is clear. A consumer of bulk supply of electricity, has to pay the consumption bills. The regulations also permit the authorities to rectify any bill, if such mistake or error is detected later.

Under such circumstances, the writ petition is disposed of with a direction upon the Regional Manager, the West Bengal State Electricity Distribution Company Limited, Purba Burdwan Region to treat the writ petition as a representation of the petitioner and dispose of the same in accordance with law, upon hearing the petitioner.

The authority shall provide a break-up of the bill raised, to enable the petitioner to understand the basis thereof.

Upon the petitioner depositing a sum of Rs.10 lakhs within one week from date, no coercive action shall be taken. Noncompliance, will lead to disconnection.

The remaining amount payable shall be adjudicated by the authority. The amount found payable by the petitioner may be allowed to be liquidated in instalments with certain conditions as the authority deems fit.

The entire matter shall be decided within one month from the date of communication of this order.

The writ petition is accordingly disposed of.

There shall be no order as to costs.

All parties are to act on the basis of server copy of this order.

(Shampa Sarkar, J.)