

03.09.2024
Court No.09
Item no.08
CP

WPA No. 21520 of 2024

Manas Ranjan Das
Vs.
West Bengal State Electricity
Distribution Company Ltd. & ors.

Mr. Goutam Thakur
Ms. Anandamayi Ghosh

... for the Petitioner.

Mr. Madhusudan Saha Ray

....for the WBSEDCL.

In this writ petition, the communication of the A.E. & Station Manager, Chandkuri CCC dated March 22, 2024 is under challenge. The petitioner has been asked to pay the entire outstanding dues of Rs.7,68,211/- including the late payment surcharge. The late payment surcharge was Rs.2,47,548/-. It is contended by the petitioner that being a poor cultivator he is not in a position to pay such huge amount. It is further contended that more than Rs.2,00,000/- has been deposited in the Special Court as a condition precedent to grant of bail in connection with Sabang Police Station Case No. 202/16. The letter also indicates that although a criminal proceeding was started on detection of theft of electricity committed by the petitioner, due to the strong resistance by the miscreants of the locality the disconnection could not be effected.

Admittedly, the criminal proceeding is on. As a condition precedent to grant of bail, the petitioner was asked to deposit the amount of Rs.2,33,000/- towards the provisional assessment, in the court. The money has been deposited in the treasury of the court. As the money has not been released in favour of the distribution company, adjustment for such payment cannot be given to the petitioner by this court. However, the petitioner is at liberty to approach the court for withdrawal of the same in the event the petitioner pays up the entire outstanding dues to be claimed by the authority, in five instalments.

It is true that provisional assessment and final assessment were made, but the petitioner did not challenge such assessments. It also true that the liability to pay under Section 126 is a civil liability, which is very distinct and separate from the criminal proceedings which are continuing.

Thus, the authority will issue a letter to the petitioner in terms of its communication which is under challenge before this court by fixing the amount and the dates when each of the instalments shall be paid. Upon payment of the second instalment with the reconnection charges, connection shall be restored. Upon restoration, the petitioner will continue to pay the current dues.

If there is any failure to pay the third instalment or any of the remaining instalments or the current dues, the authority shall be at liberty to disconnect the supply.

The criminal proceeding shall proceed independently. The petitioner may compound the offence and also pray for withdrawal of the sum deposited after the entire dues are liquidated.

The writ petition is disposed of accordingly.

There shall be no order as to costs.

Parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)