

10.09.2024
Court No.09
Item no.09
CP

WPA No. 21650 of 2024

Gopeswar Gorain & anr.
Vs.
The State of West Bengal & ors.

Mr. Ivan Roy
.... for the Petitioners.

Mr. Debjit Mukherjee
....for the WBSEDCL.

Mr. Shuvro Prakash Lahiri
Mr. Tapas Manna
....for the State.

The petitioners pray that the West Bengal State Electricity Distribution Company Ltd. should be directed to supply connection to the petitioners.

The petitioners have been waiting since 2013, but the authorities did not take any steps. The authorities received the fees for such connection, but failed to grant connection.

It is contended that the authority supplied temporary connection on account of the marriage ceremony of the petitioners' daughter for one day. In order to deprive the petitioners from getting electricity, the authorities falsely implicated the petitioners in a case of theft. The order of provisional assessment was not served and the final assessment was made without hearing the petitioners.

The learned advocate for the distribution company files a statement of facts and submits that an application was filed for temporary connection for a day. Such connection was granted. The other application was processed but the records available in the data base indicated that the construction was incomplete on January 31, 2016 and as such, the connection was not granted.

This Court finds that the petitioners repeatedly wrote to the Station Manager, but did not raise any specific objection with regard to the assessments. If the petitioners were aggrieved by the final assessment, their remedy was to file a statutory appeal under Section 127 of the Electricity Act. The said appeal was not filed. The petitioners appeared before the authority, as it appears from the order of final assessment. The final order of assessment has been challenged after five months. The appeal was to be filed within 30 days.

Under such circumstances, it will not be possible for this court to pass any orders directing grant of new connection in view of the factual background and in view of the fact that the petitioners are yet to pay Rs.1,08,325/- on account of unauthorized use of electricity. Regulations 55 prohibits grant of new connection to premises in respect of which there are unpaid dues.

Under such circumstances, the writ petition is dismissed.

The disputed questions which have been raised by the petitioners that, they were not guilty of unauthorized use of electricity and that the allegation of hooking was unfounded, cannot be decided by the writ court.

If the petitioners pay the outstanding amount by way of instalments, which may be allowed by the authorities, the petitioners shall be allowed to file a fresh application for new connection and such application shall be processed according to law.

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.)