

AD-16
Ct No.09
08.02.2024
TN

WPA No. 23278 of 2023

Seikh Nejamuddin
Vs.
State of West Bengal and others

Mr. Sayantan Hazra,
Mr. Anisur Rahman

.... for the petitioner

Ms. Rupsa Chakraborty

.... for the State

Mr. Debjit Mukherjee

.... for the WBSEDCL

- 1.** Learned counsel for the petitioner submits that the petitioner's electricity connection was disconnected by the West Bengal State Electricity Distribution Company Limited (WBSEDCL) on the allegation of pilferage. The petitioner had challenged a provisional order of assessment before this court by which time the final order of assessment had been passed.
- 2.** The writ petition was disposed of by granting liberty to the petitioner to approach the appropriate forum. Subsequently the petitioner approached the WBSEDCL under a one-time waiver scheme. Despite having deposited the amount as enumerated by the WBSEDCL under the said scheme, that is, Rs. 1,58,788.60 p, the connection has not been restored.

- 3.** Learned counsel for the WBSEDCL submits that the application of the petitioner under the said scheme was limited to a request for waiver of dues up to December 31, 2018 and the benefit of the scheme was given up to that time. That apart, there are other dues of the petitioner for subsequent periods which have not been disclosed in the writ petition. It is submitted that the WBSEDCL had intimated the petitioner about other dues. The claim of the WBSEDCL over and above the amount already paid by the petitioner is Rs. 4,11,512/-.
- 4.** It transpires from the one-time waiver scheme communication by the WBSEDCL that undoubtedly the waiver was limited for dues up to December 31, 2018.
- 5.** At this juncture, learned counsel for the petitioner, on instructions, submits that since the petitioner is a cultivator whose livelihood is dependent on the submersible pump run by the electricity connection, the petitioner, although under duress, is willing to clear off the entire dues for getting the restoration of electricity connection. However, some instalments are sought by the petitioner.
- 6.** Keeping in view the fact that the petitioner is a cultivator of humble financial means, the

petitioner is permitted to clear off all dues in four equal monthly instalments.

- 7.** Accordingly, WPA No. 23278 of 2023 is disposed of by directing the petitioner to clear the outstanding amount of Rs. 4,11,512/-, which is the total outstanding dues as per the WBSEDCL, in full and final settlement of all outstanding dues by the petitioner to the WBSEDCL till date, by four equal monthly instalments. The first such instalment shall be paid by the petitioner by February 20, 2024. Thereafter, by the 20th day of every month, the next three monthly instalments will be cleared off. Any remaining nominal fractional balance shall be paid with the last monthly instalment.
- 8.** Subject to the petitioner paying the first instalment along with reconnection charges by February 20, 2024, the electricity connection of the petitioner shall be restored by the WBSEDCL subject, of course, to the petitioner paying the subsequent instalments and current electricity charges.
- 9.** In the event after restoration of electricity supply in terms of the above direction, the petitioner fails to pay any of the subsequent instalments of outstanding dues and/or current electricity charges, it will be open to the WBSEDCL to

disconnect the electricity supply of the petitioner again.

- 10.** Affidavit-of-service filed today and the written instruction filed by learned counsel for the WBSEDCL be kept on record.
- 11.** There will be no order as to costs.
- 12.** 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.)