

AD-09
Ct No.09
02.04.2024
TN

WPA No. 23609 of 2023

Madan Mohan Dutta
Vs.
The West Bengal State Electricity Distribution Company
Ltd. and others

Mr. Bhagbat Chaudhuri,
Mr. Mahbub Asfakul Zinna,
Mr. Subrata Mukherjee

.... for the petitioner

Mrs. Rituparna Maitra

.... for the WBSEDCL

1. Affidavit-of-service filed today be kept on record.
2. The petitioner, who is a cultivator by profession, has been using electricity for operating his submersible pump. At a point of time, the West Bengal State Electricity Distribution Company Limited (WBSEDCL), according to the petitioner, raised huge and inflated bills. The petitioner approached the concerned Grievance Redressal Officer (GRO). Having lost there, the petitioner approached the Ombudsman where the order of the GRO was affirmed, granting certain instalments to the petitioner.
3. It is contended that in terms of Section 56(2) of the Electricity Act, 2003, read in conjunction with the proposition laid down in the case of *Ajmer Vidyut Vitran Nigam Limited and another vs. Rahamatullah Khan alias Rahamjulla*, reported at (2020) 4 SCC 650, no coercive steps like disconnection can be taken against

the petitioner for non-payment of an amount which has been raised after the period of two years due to certain inadvertent omission on the part of the Distribution Licensee, although such dues may be recovered by due process of law.

4. Upon hearing learned counsel for the parties, it transpires that the WBSEDCL has threatened disconnection of the petitioner's electricity supply for non-payment by the petitioner of the amount which was raised subsequently beyond the period of two years from the date of first due by way of additional bills. Although the Supreme Court in its judgment, as cited by the petitioner, was of the clear opinion that such additional bills can be raised by the Distribution Licensee in case there was a *bona fide* mistake in the first place, it was also laid down that no coercive step by way of disconnection of electricity can be taken by the Distribution Licensee for non-payment of such amount.
5. Upon hearing learned counsel for the parties, WPA No. 23609 of 2023 is disposed of by restraining the WBSEDCL from disconnecting the electricity supply of the petitioner for non-payment of the amount which was raised by way of additional bills beyond the period of two years from the date when the due first arose.

- 6.** However, it is made clear that the WBSEDCL will be at liberty to recover the said sum from the petitioner by instituting a regular money suit.
- 7.** It is further clarified that nothing in this order shall be construed to absolve the petitioner from the liability to go on paying current electricity charges duly.
- 8.** There will be no order as to costs.
- 9.** 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.)