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30.01.2024
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IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

W.P.A. No. 25635 of 2023

Sukdev Garain
Vs.
West Bengal State Electricity
Distribution Company Ltd. & Ors.

Mr. Priyankar Saha,
Ms. Srijani Mukherjee,
Mr. L.R. Mondal
... for the petitioner

Dr. Madhusudan Saha Roy
... for the WBSEDCL

1. The petitioner seeks some indulgence insofar as the petitioner's business was closed due to disconnection of electricity. It is submitted that although the allegation of pilferage is disputed by the petitioner, for the ends of justice the petitioner's prayer for depositing the entire dues by instalments be considered.

2. Despite having sympathies for the petitioner, since the law permits merely an appeal to be preferred under Section 127 of the Electricity Act, 2003 upon prior deposit of 50 percent of the entire outstanding amounts, larger relief than that provided by the statute cannot be granted by this Court under Article 226 of the Constitution of India.

3. Hence, the petitioner's prayer to deposit 50 percent of the dues for the present for the purpose of reconnection cannot be allowed.

4. Even Section 126 read in conjunction with Section 135 of the 2003 Act stipulates that for getting a reconnection, the entire outstanding dues have to be deposited by a consumer. Having not done so, the remedy of the petitioner lay before the appellate authority under Section 127 of the 2003 Act, for which a prior deposit of 50 per cent of the outstanding dues had to be made by the petitioner.

5. Thus, there is no scope of intervention in the present writ petition.

6. Accordingly, W.P.A. No. 25635 of 2023 is disposed of by granting liberty to the petitioner to approach the appellate authority under Section 127 of the 2003 Act subject, of course, to the law of limitation and to the other pre-conditions as stipulated in law.

7. There will be no order as to costs.

8. Urgent photostat certified copies of this order, if applied for, be made available to the parties upon compliance of all necessary formalities.

(Sabyasachi Bhattacharyya, J.)