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IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

W.P.A. No. 25639 of 2023

Kamrul Hossain
Vs.
West Bengal State Electricity
Distribution Company Ltd. & Ors.

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

Mr. Sujit Sankar Koley
... for the WBSEDCL

1. The petitioner submits that despite there being no outstanding amount, the West Bengal State Electricity Distribution Company Limited (WBSEDCL) has disconnected the petitioner's electricity supply on the allegation of pilferage. However, the allegation of pilferage is disputed by the petitioner.

2. Since an allegation of pilferage has been levelled against the petitioner by the WBSEDCL, the matter does not pertain at all to the previous clearance of current bills by the petitioner. As such, clearance by the petitioner of previous electricity bills does not have any relevant bearing on the present issue. The remedy of the petitioner is to challenge the final assessment under Section 127 of the Electricity

Act, 2003 upon prior deposit of 50 percent of the dues. Moreover, if any proceeding under Section 135 of the 2003 Act has been taken out, the petitioner has his remedies there, both with regard to civil disputes and regarding the criminal allegations made against him.

3. It is not appropriate for the writ court, in view of the aforesaid availability of forums, to interfere at this stage, particularly since disputed questions of fact regarding the allegation of pilferage as well as payments are involved.

4. Accordingly, W.P.A. No. 25639 of 2023 is dismissed on contest.

5. However, it is made clear that nothing in this order shall preclude the petitioner from taking due defence in the criminal proceeding, if any initiated against the petitioner, and from preferring an appeal under Section 127 of the 2003 Act, alternatively to deposit the entire outstanding dues for the purpose of getting a reconnection of electricity, in accordance with law.

6. There will be no order as to costs.

7. 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.)

