

D/L.5.
April 16, 2024.
MNS.

WPA No. 26486 of 2022

Tulsi Das Sarkar
Vs.
The Secretary, Department of Power &
Energy, Government of West Bengal and
others

Mr. Prabhat Tapan Banerjee,
Ms. Debjani Sengupta,
Ms. Paulomi Ghosh

... for the petitioner.

Mr. Sujit Sankar Koley

...for the WBSEDCL.

1. The petitioner is a nonagenarian person. It is contended that taking advantage of his advanced years, the West Bengal State Electricity Distribution Company Limited (WBSEDCL) had given a commercial electricity connection in the garb of a rebate scheme.
2. It is argued that in the year 2007, the petitioner sought a conversion from postpaid to prepaid electricity connection under the impression that after conversion, the connection will remain a domestic connection, as it was previously.
3. However, instead of domestic connection, the WBSEDCL gave a commercial connection, which is charged at higher rates. The petitioner, immediately upon becoming aware,

enquired and thus came to know that the prepaid connection given to the petitioner was converted to a commercial service connection. Immediately the petitioner gave a representation seeking a reversion back to the postpaid connection for domestic electricity supply.

4. It is complained by the petitioner that while doing so, the WBSEDCL has charged a commercial rate for the entire period of 12 years from 2007 to 2019, although such connection was forcibly given.
5. That apart, despite the service connection already been there at the premises all along, service charges have been demanded afresh for converting the prepaid connection to a postpaid domestic connection again.
6. Learned counsel for the WBSEDCL submits that the petitioner consciously took a call to have a conversion to a prepaid connection and after more than 12 years sought a re-conversion to postpaid connection.
7. As such, there is no illegality on the part of the WBSEDCL in commercial rates being charged.
8. That apart, each and every new connection, it is submitted, is visited by a fresh service connection charges along with security

deposit. Since the previous connection was a prepaid connection for which no security deposit was taken, but the present converted connection is postpaid, for which security deposit is required, the WBSEDCL had merely charged the same and all other charges in accordance with the governing Regulations.

9. Upon hearing learned counsel, it is palpable that the petitioner enjoyed a commercial connection for as long as 12 years from the year 2007 till 2019.

10. It is clear that commercial rates are much higher than the domestic rates. Hence, there cannot be any justification for the petitioner acquiescing to such conversion for the long period of 12 years, sitting tight over the matter and enjoying the connection without demur, before giving a representation only in the year 2019. After such a long period, the petitioner cannot turn back and say that the commercial connection was given to the petitioner forcibly, despite having enjoyed the benefits of a commercial connection for the prolonged period of 12 years.

11. Thus, the argument of the petitioner that he should not have been charged at commercial rates for the relevant period when he enjoyed such commercial connection is unfair and, if

allowed, would permit unjust enrichment of the petitioner.

12. Insofar as service charges and security deposits asked for by the WBSEDCL, the petitioner now seeks a conversion to not only a postpaid connection but also a domestic connection instead of a commercial connection. Such conversion requires a new service connection to be given, for which the WBSEDCL is justified in charging the necessary service charges as well as security deposit for the postpaid connection, which was not required and/or charged in the first place for the previously existing prepaid connection.

13. Hence, I do not find any illegality in the decision-making process or the actions of the WBSEDCL to call for interference by the writ court.

14. Accordingly, WPA No. 26486 of 2022 is dismissed on contest.

15. There will be no order as to costs.

16. 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.)