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IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

W.P.A. No. 26114 of 2023

Abul Kalam Azad
Vs.
West Bengal State Electricity
Distribution Company Ltd. & Ors.

Mr. Md. Farhaduddin,
Mr. Rahul Verma
...for the petitioner

Mr. Srijan Nayak,
Ms. Rituparna Maitra
...for the WBSEDCL

1. Learned counsel for the petitioner submits that petitioner is a young entrepreneur and due to the Covid-19 Pandemic, he was in difficulty, for which electricity charges could not be properly paid. As a result, the electricity connection to the Ice Cream factory of the petitioner has been severed. The petitioner prays for some installments and lenience with regard to the penalty payable.
2. Learned counsel appearing for the West Bengal State Electricity Distribution Company Limited (WBSEDCL) opposes such prayer and points out to the relevant law as enumerated in Section 56 of the Electricity Act, 2003. It is argued that the petitioner previously failed to honour instalments.

3. Be that as it may, it is for the WBSEDCL to consider whether to grant any installment or show lenience to the petitioner in the matter of penalty. However, no legal or Constitutional right of the petitioner has been infringed to issue a Rule of Mandamus, since the provisions of the statute are very clear as to the payments to be made for reconnection of electricity by a consumer. In any event, it is for the WBSEDCL to consider the request of the petitioner.

4. Hence, W.P.A. No. 26114 of 2023 is disposed of by granting liberty to the petitioner to approach the WBSEDCL for further installments. In the event the WBSEDCL is willing to grant such installments, nothing in this rejection shall come in the way of such installments being given. However, the same is left entirely on the discretion of the WBSEDCL and this may not be construed to be a direction on the WBDEDCL to mandatorily grant such installments.

5. There will be no order as to costs.

6. 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.)