

20.06.2024
Sl. No.12(DL)
srm

IN THE HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI
APPELLATE SIDE

W.P.A. No. 1228 of 2024

Arun Kumar Sahewala

Versus

**West Bengal State Electricity Distribution
Company Limited & Ors.**

Mr. Debasish Mukhopadhyay

...for the Petitioner.

Mr. Anirban Banerjee

...for the WBSEDCL.

1. Affidavit of service is taken on record.
2. The writ petition cannot be entertained.
3. The petitioner contends that there were outstanding dues in respect of the premises being consumer ID No.412021329. The outstanding dues as calculated by the West Bengal State Electricity Distribution Company Limited (in short WBSEDCL) was Rs.70,338/-. The supply was disconnected. The petitioner decided to rent out the property to the State Bank of India. The outstanding dues had been paid by the petitioner. The State Bank of India applied for new electric connection, but the connection was refused, as the Late Payment Surcharge (in short

LPSC) amounting to Rs.1,72,020/- had not been paid. The State Bank of India paid the said amount and connection was provided in the premises in question.

4. The petitioner is aggrieved because the bank has been deducting the amount which was paid by the bank towards the LPSC, from the rents. The petitioner alleges financial loss. Thus, the petitioner wants a recalculation of the LPSC and claims that such amount should be claimed with the future bills.
5. Such prayer is vague and not in accordance with law. The arrangement between the bank and the petitioner cannot be a matter of concern for the WBSEDCL. No writ is maintainable. The distribution company can claim LPSC as per law. Admittedly, the petitioner has not been paid the bills for a long time. The bank made the payment of LPSC, for supply of connection. If the bank is deducting the said amount from the rent, it is a dispute between the landlord and the tenant. Moreover, there is no provision under the law for claim of LPSC against future bills, when the said amount has already been paid by the bank.
6. However, as the petitioner is unaware of the calculation arrived at by the WBSEDCL as regards the total claims towards LPSC, the Divisional Manager, Shivmandir

WBSEDCL, shall provide the calculation of the LPSC, to justify that the amount of Rs.1,72,020/- had been rightly claimed by the WBSEDCL.

7. The communication to that effect, shall reach the petitioner within a period of two months from the date of communication of this order.
8. The writ petition is, thus, disposed of.
9. There shall be no order as to costs.
10. Parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)