

27.08. 2025
DL.16

Court No.15
Sg

WPA 19675 of 2025

**Supersmelt Industries Private Limited & Anr.
Vs.
West Bengal Electricity Regulatory Commission &
Ors.**

Mr. Tanoy Chakraborty
Mr. Debsoumya Basak

....for the petitioners.

Mr. Rajarshi Datta
Mr. Prasun Mukherjee
Mr. Deepak Agarwal

....for the DVC.

The petitioner is a steel manufacturing company. The petitioner enjoys electricity through a high-tension line from the licensee company, Damodar Valley Corporation (DVC).

The petitioner challenges the notice dated August 12, 2025 issued by the Damodar Valley Corporation (DVC), whereby the petitioner was directed to pay the outstanding arrears as on June 17, 2022, amounting to Rs. 6,10,17,451/- (Rupees Six Crore Ten Lakhs Seventeen Thousand Four Hundred Fifty-One only), within 15 days from the date of issuance of the notice, in terms of Section 56(1) of the Electricity Act, 2003 and Clause 4.1.1 of the West Bengal Electricity Regulatory Commission (Electricity Supply Code) Regulations, 2013.

The said notice further stipulates that failure on the part of the petitioner to make payment within the prescribed period would result in disconnection of the electricity supply.

The aforesaid arrear admittedly arises out of tariff for the Control Period 2018–19 and 2019–20.

Learned counsel for the petitioner has drawn attention of this Court to an order dated August 11, 2025 passed by the Appellate Tribunal for Electricity (APTEL), wherein certain other consumers have obtained the following reliefs relating to the arrear dues for the said Control Period.

“ Conclusion :

For the afore-said reasons, the interim order passed by this Tribunal on 29.07.2022 is modified, and there shall be stay of arrears in so far as the Appellants herein are concerned on condition that they pay 50% of the arrears as determined in terms of the impugned order of the WBERC, and furnish a bank guarantee for the remaining 50%, within three months from today. They shall also continue to pay the current dues in terms of the order impugned in this appeal. Needless to state that failure to comply with the afore-said order would result in automatic vacation of the interim order now passed by us, and it would be open to the 2nd Respondent-DVC to recover the entire arrears from such defaulting Appellants.

Both IA No. 667 of 2025 and IA No. 1125 of 2022 in Appeal No. 307 of 2022 are, accordingly disposed of.

**APPEAL NO. 307 OF 2022 & IA
NO. 1012 OF 2025**

***Post IA No. 1012 of 2025 for
hearing on 18.08.2025.***

***Pronounced in the open court
on this the 11th Day of August,
2025.***

Learned advocate representing the respondent no. 2, DVC, submits that the said order dated August 11, 2025 itself makes it clear that the interim order was applicable only to the appellants before the Appellate Tribunal for Electricity (APTEL). In support of his submission, reliance has been placed upon the last paragraph of internal page 37 of the said order.

It is further submitted on behalf of the Damodar Valley Corporation (DVC) that in respect of the control period 2017–18, the Hon'ble Supreme Court has passed interim orders in Special Leave Petitions being SLP (C) Nos. 16336, 16353 and 16406 of 2025, modifying the order of the Division Bench of this Court passed in MAT 395 of 2025 dated April 8, 2025.

I am, however, of the view that the benefit of the interim order dated August 11, 2025, passed by the APTEL should also be extended to the petitioner. It is not in dispute that the arrears claimed herein arise out of the same period 2018–19 and 2019–20. The petitioner cannot be denied the benefit of the said order merely on the ground

that it was not a party to the appeal before the APTEL. Nevertheless, in order to secure the interest of the licensee company, the order of the Appellate Tribunal for Electricity (APTEL) requires modification by directing the petitioner to deposit post-dated cheques in terms of the directions of the Hon'ble Supreme Court in the matters mentioned above.

Accordingly, it is ordered that the electricity supply line of the petitioner shall not be disconnected, subject to the condition that the petitioner pays 50% of the arrears claimed under the impugned notice dated August 12, 2025, and furnishes a bank guarantee for the remaining 50% within a period of three months from date. In addition thereto, the petitioner shall deposit post-dated cheques covering the balance 50% till submission of the bank guarantee, within seven days from date.

Needless to mention, upon the petitioner furnishing the bank guarantee within the stipulated period of three months, the post-dated cheques shall be returned to the petitioner.

It is further directed that the petitioner shall not migrate to any other licensee company unless and until the petitioner complies with this order.

There is no necessity to keep this writ petition pending. Liberty is granted to the petitioner to approach the Appellate Tribunal for Electricity (APTEL) for appropriate orders.

Accordingly, WPA 19675 of 2025 stands disposed of.

Urgent Photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all formalities.

(Kausik Chanda, J.)