27.04.2026
Court No. 12
Item No. 05
Sandip

IN THE HIGH COURT AT CALCUTTA
CIVIL APPELLATE JURISDICTION
APPELLATE SIDE

M.A.T. 717 of 2026
IA No : CAN 1 of 2026

Tanusri Bhuinya
-Versus-
The State of West Bengal & Ors.

Mr. Jishnu Saha, Sr. Adv.,
Mr. Subhojit Saha,
Mr. Debottom Das,
Mr. Ishan Saha,
Mr. Saytam Bhimsaria
…..for the appellant
Mr. Malay Krishna De,
Mr. Md. Nauroz Rahber
….for the State.
Dr. Madhusudan Saha Ray
….for the WBSEDCL.

1) The appeal arises out of an interim order dated April 17, 2026 passed in W.P.A. 7993 of 2026. By the order impugned, the learned Court directed the writ petitioner to pay a sum of Rs. 6,04,502/- in terms of the regenerated bills issued by the West Bengal State Electricity Distribution Company Limited. Upon payment of such bills, His Lordship directed the distribution company to restore supply. Liberty was also granted to the WBSEDCL to take such other steps that may be permissible in law.

2) Mr. Saha, learned senior Advocate appearing on behalf of the appellant submits that the learned Judge failed to take into consideration that the regenerated bills were erroneous. They did not reflect the actual consumption of electricity, in units. Fixed amounts were inserted against the

consumption. The business was closed for a long time and there was no consumption of electricity for a substantial period. The dues for 2023, 2024 and 2025 were concocted and without any foundational basis. It was also contended by Mr. Saha that no consumption bills were raised by the authority at any point of time, after the decision of the Ombudsman.

3) Dr. Saha Roy, learned advocate for the West Bengal State Electricity Distribution Company Limited submits that the decision of the Ombudsman was with regard to the disputed bills of two phases namely bills between April 10, 2022 to July 22, 2022 and July 3, 2023 to July 27, 2023. Even thereafter, the consumption bills were not paid, for which the disconnection notice under Section 56 (1) of the Electricity Act, 2003 had been issued. In spite of such notice, the consumer did not pay.

4) Moreover, it is alleged that the entire family is engaged in pisciculture and they have number of connections. Supply line to few of such connections had been disconnected. Those relatives were drawing electricity from the other meters, including that of the appellant, which has since been disconnected.

5) This disputed question cannot be gone into by us, as the same are not part of the order impugned before us. His Lordship kept the writ petition pending for final hearing and allowed the distribution company to file affidavit-in-opposition. All aspects shall be dealt with by His Lordship.

6) The question before us is whether any immediate relief can be given to the appellant

by modifying the order of His Lordship, who had directed payment of Rs. 6,04,502/-.

7) With regard to the contention of Mr. Saha that after the order of Ombudsman no consumption bills were received, we are unable to accept the same. The bills which are annexed to the application at pages 193 and 194 indicate that the authorities had continuously reflected the outstanding dues. Moreover, the Ombudsman directed that the consumption pattern between April 3, 2023 to July 13, 2023 and July 3, 2024 to July 27, 2024, shall be taken into consideration for the preparation of fresh bills. Unless the unit was operating during such period and there was consumption, Ombudsman could not have directed regeneration of bills on the basis of the consumption pattern of such later period.

8) Initially, the Distribution Company had informed the learned trial Judge that the total bills outstanding from the appellant, including the outstanding of the relatives of the appellant was more than Rs. 45,00,000/-. Subsequently, the distribution company came up with the outstanding bill of the appellant alone, for an amount of Rs. 6,04,502/-. Such amount was calculated upto April 7, 2026.

9) The report filed by the Distribution Company before the learned trial Judge elaborately deals with the order of the Ombudsman, the method of regeneration, the units consumed for the period when the matter went to the Ombudsman and subsequent periods.

10) Under such circumstances, this factual aspect cannot be gone into by us. If the

payment as directed by His Lordship is made, supply shall be restored. We are not interfering with the order impugned.

11) However, it is made clear that, all payments and acceptance shall be without prejudice to the rights and contentions of the parties and all points are left open. The law provides that, if any disconnection is effected for non-payment of consumption bills, reconnection can be effected only upon payment thereof. Non-payment of consumption bills entails disconnection of supply.

12) The matter has been fixed by His Lordship on May 6, 2026. All points are kept open for adjudication by His Lordship.

13) Accordingly, the appeal and the application are disposed of.

14) Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings. The order impugned is set aside.

(Shampa Sarkar, J.)

(Ajay Kumar Gupta, J.)