

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 8146 of 2018

Khairul Islam

Vs

WBSEDCL and Ors.

IA NO: CAN/1/2019(Old No:CAN/1204/2019)
CAN/2/2019(Old No:CAN/1324/2019)

Mr. Arindam Chattopadhyay
Ms. Lipika Chatterjee
Mr. Soumik Dey
Ms. Rika Das
... For the petitioner

Mr. Srijan Nayak
Mrs. Rituparna Maitra
...For the WBSEDCL

1. The grievance of the petitioner is directed against a bill dated 27 May 2018 (the impugned bill) demanding electricity arrears from the petitioner.
2. It is submitted on behalf of the petitioner that in respect of an electricity connection to the submersible belonging to the petitioner the WBSEDCL has wrongfully raised inflated bills for months culminating in the impugned bill.
3. On behalf of the WBSEDCL, it is submitted that there is an aggregate amount in excess of Rs.3 lacs which is payable by the petitioner and the petitioner has intentionally failed to pay such dues.
4. By an interim order, a Coordinate Bench had permitted the petitioner to pay Rs.50,000/- as a

pre-condition to obtaining reconnection. Though the petitioner had paid an amount of Rs.50,000/-, the WBSEDCL has not re-connected the electricity in view of the grave charges of fraud and pilferage.

5. There is nothing which the petitioner has been able to demonstrate as to why the bills raised by the WBSEDCL should be interfered with. The petitioner is a defaulter and there are also serious allegations of theft against him.
6. There is no question of being unnecessarily charitable in such matters. This is a case of the unpaid bills having remained pending for a long period of time. There is no *bona fides* in the case of the petitioner. The petitioner has nothing to demonstrate why any discretion should be exercised in his favour. It is well settled that one who seeks equity must come with clean hands.
7. In view of the above, there is no merit in the petition. WPA 8146 of 2018 alongwith all connected interlocutory applications stands dismissed. Interim orders stand vacated. As prayed for by the petitioner, liberty is granted to the petitioner to approach the concerned RGRO having jurisdiction to decide the grievance of the petitioner in accordance with law.

(Ravi Krishan Kapur, J.)