

06.04.2026

Ct. No. 7
M/L. Sl. No. 31
RANJAN

WPA 9052 of 2004

**HANU POLYMERS PVT. LTD. AND ANR.
VS.
THE WEST BENGAL STATE ELECTRICITY BOARD AND ORS.**

Ms. Rittwika Banerjee

....for the Petitioners

Mr. Sumit Kumar Panja

Mr. Sumit Roy

....for the WBSEDCL

The grievance of the petitioner is directed against the failure of the respondent authorities to grant concession of energy charges to the petitioner.

Briefly, the petitioner seeks power concessions in terms of a Scheme framed by the West Bengal Electricity Regulatory Commission under section 22(I) of the Electricity Regulatory Commission Act, 1998. It is submitted on behalf of the petitioner that the petitioner is lawfully entitled to such concession towards electricity tariff and the respondent authorities have wrongfully withdrawn the same.

On behalf of the respondent WBSEDCL, it is submitted that there is admitted default in the payment of the electricity bills by the petitioner which permits the respondents in terms of Notification no. 5690 dated 18 March 1999 to withdraw any concession.

It is an admitted position that for the months of consumption of electricity August, 1999; October, 1999 and November, 1999 there were repeated defaults in the payment of the electricity bills by the petitioner. Despite notices being issued by the Board pursuant to the tariff order dated 7 December 2001 to avail the benefits made available to different consumers for the year 2000-2001 and 2001-2002, the petitioner failed to avail the same. Accordingly, the petitioner ceased to get concession beyond November 1999, on the ground of default in making payment.

By a communication dated 14.10.2003, the respondent authorities had categorically brought the above facts to the attention of the petitioner and that in view of the admitted and repeated defaults the petitioner was no longer entitled to any concession. In this connection, clause (e) of an Office Order dated 18.03.1999 stipulates that any concession to the petitioner would be withdrawn without notice to the consumer in case the consumer defaults in payment of current monthly bills outstanding.

In view of the admitted defaults by the petitioner, there is no illegality, nor contravention of any law which warrants any interference by the Writ Court. The petitioner by its own doing is disentitled it to any concession and cannot demand this as a

matter of right. The petitioner by its own conduct has made disentitled itself to any discretion by the Writ Court.

In such circumstances, there is no enforceable legal right with the petitioner has been able to demonstrate warranting interference by this Court. WPA 9052 of 2004 stands dismissed. Interim order if any stands vacated.

However, there shall be no order as to costs.

(RAVI KRISHAN KAPUR, J.)