

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 12719 of 2016

West Bengal State Electricity Distribution
Company Limited

Vs

Sankar Jana & Ors.

Mr. Srijan Nayak

Mrs. Rituparna Maitra

...For the Petitioner

1. The Report/Affidavit filed by the WBSEDCL be kept with the records. It appears from the affidavit that there has been due compliance with the order dated 8 May 2018.
2. The grievance of the petitioner is directed against an order dated 22 December 2015 passed by the Appellate Authority. Briefly, the petitioner had raised a bill against the private respondent for unlawful and unauthorized use of an existing domestic meter for commercial purposes. This had caused considerable revenue loss to WBSEDCL and appropriate action had been initiated against the private respondent.
3. By the impugned order, the Appellate Authority has directed that a revised bill be raised by WBSEDCL on the basis that domestic rates were applicable to the private respondent. The impugned order is bereft of any reasoning. There

are no reasons whatsoever in the impugned order to justify as to why a fresh bill should be raised on the basis of domestic tariff whereas this specific case of WBSEDCL is that the private respondent was using electricity for commercial purposes.

4. In view of the above, the impugned order is set aside on the ground of violation of principle of natural justice. The matter is remanded to the Appellate Authority to dispose of the same within a period of eight weeks from the date of passing of this order and after giving a right of hearing to all the parties. It is made clear that the Appellate Authority would hear the matter afresh without being influenced by any finding in this order. WPA 12719 of 2016 stands allowed.

(Ravi Krishan Kapur, J.)