

WPA 15288 of 2026

21.07.26
D/L
Sl-28
Ct.07
(Samar)

Tapan Kumar Basak @ Tapan Kr. Basak
Vs.
The West Bengal State Electricity Distribution Co.
Ltd. & Ors.

Mr. Ramkrishna Bhattacharya
Mr. Kaushik Choudhury ... for the petitioner.

Mr. Debjit Mukherjee
... for the WBSEDCL.

1. This writ petition lays challenge to a notice dated October 4, 2024 issued by the Assistant Engineer and Station Manager, Gangarampur Customer Care Centre, WBSEDCL whereby the petitioner was informed about disconnection of the petitioner's commercial meter. The petitioner seeks restoration of supply.
2. It is the petitioner's case that the petitioner runs his business from a building situated at Dutta Para, Ward No.12, Gangarampur under District Dakshin Dinajpur.
3. It is asserted in the writ petition that the petitioner's brother namely, Swapan Basak used to run another business at the same premises and electricity connection in respect thereof was disconnected upon detection of unauthorized use of electricity on December 12, 2014.
4. Thereafter, a criminal case was initiated. The

petitioner's brother was however, acquitted in the said case.

5. Subsequently the electricity authorities issued a notice of demand calling upon the petitioner's brother to pay a sum of Rs.3,58,871.62/- towards the outstanding dues and a further sum of Rs.4,48,348/- towards late payments surcharge. The same remained unpaid.
6. The petitioner contends that surprisingly, due to the failure of the petitioner's brother to pay the dues demanded by the WBSEDCL authorities, the petitioner's connection was also disconnected on September 30, 2024 and thereafter the impugned notice was issued to the petitioner.
7. The writ petition also mentions about an order dated November 27, 2024 passed in WPA 26599 of 2024 that had been instituted by one Hira Restaurant Cum Bar and the petitioner's wife. In the said writ petition, the petitioner's brother, Swapan Basak had been arrayed as a private respondent but the petitioner was not.
8. The said writ petition was dismissed by an order dated November 27, 2024.
9. Feeling aggrieved thereby, the petitioners therein carried the matter before the Hon'ble Division Bench by filing MAT 61 of 2025. The same also stood dismissed by the Hon'ble Division Bench by an order dated February 26, 2025.

10. The petitioner has now approached this Court by filing the present writ petition seeking restoration of supply while assailing the notice dated October 04, 2024 whereby the petitioner has been intimated about the disconnection.
11. Mr. Bhattacharya, learned advocate appearing for the petitioner submits that the petitioner's business is separate from that of his brother and, as such, the petitioner cannot be saddled with the liabilities of his brother. It is submitted that the petitioner's electricity could not have been disconnected on the ground of non-payment of the outstanding due in respect of the electricity supply of the petitioner's brother.
12. Mr. Mukherjee, learned advocate appearing for the respondent WBSEDCL authorities submits that the petitioner's contention is factually incorrect. He invites the attention of this Court to the order dated November 27, 2024 passed by a Co-ordinate Bench of this Court in WPA 26599 of 2024 and submits that the Co-ordinate Bench clearly found that there was a nexus between Swapan Basak (i.e. the petitioner's brother), Tapan Basak (i.e. the petitioner himself and Hira Basak i.e. the petitioner's wife).
13. It is submitted that the said finding of the Co-ordinate Bench remained untouched by the Hon'ble Division Bench inasmuch as the appeal

carried against the said order ended in dismissal.

14. Heard learned advocates appearing for the respective parties and considered the material on record.
15. It is not in dispute that the petitioner's wife had approached this Court by filing WPA 26599 of 2024 challenging a notice dated October 04, 2024 addressed to the petitioner which was dismissed by the order dated November 27, 2024.
16. Paragraph 3 of the said order dated November 27, 2024 reveals that the notice impugned in the present writ petition is substantially similar (nigh same) in content to the notice that had fallen for consideration before the Hon'ble Co-ordinate Bench in WPA 26599 of 2024.
17. The said writ petition was dismissed with the following finding in paragraph 25 :

“25. On the contrary it appears that, there is a nexus between Swapan Basak, Tapan Basak and Hira Basak. They are all members of the same family and stay in the same premises. Tapan Basak usually runs the business of Swapan Basak in name of Bajrangbali Line Hotel. The petitioner no. 2 is also in the same restaurant and hotel business. All will be benefitted if electric connection is restored without clearing the outstanding dues. The civil suit is only a feeble attempt to show that there is a discord between the parties with the view to disprove the nexus claimed by the licensee. Tapan

made application for registration of trade by disclosing the name of Bajrangali Line Hotel.”

18. The matter was carried in appeal before the Hon'ble Division Bench and the Hon'ble Division Bench refused to interfere with the factual finding of the Co-ordinate Bench of this Court.
19. The writ petitioner has averred about the said writ petition being WPA 26599 of 2024, the order dated November 27, 2024 passed by the Co-ordinate Bench as well as the order passed by the Hon'ble Division Bench and copies of the said orders have also been annexed to the writ petition.
20. The writ petitioner was therefore aware of the orders passed by the Co-ordinate Bench as well as the Hon'ble Division Bench. If the writ petitioner was really aggrieved by any observation made in the order dated November 27, 2024, it was open to the writ petitioner to carry the same in appeal or challenge the same in accordance with law. But that was not done. There is no way left for this Court to take any view divergent to the one taken by the Co-ordinate Bench all the more so when the same has been affirmed by the Hon'ble Division Bench on the same set of facts.
21. There is nothing on record to suggest that the case run by the petitioner is any manner factually different than the one run by his brother's wife in

the writ petition where the petitioner's brother was arrayed as a private respondent.

22. Moreover, the notice, which has been impugned in the present writ petition is dated October 04, 2024. There is no explanation in the writ petition as to why has the petitioner approached this Court after more than one year and nine months from the date of such notice. Unexplained delay in invoking extraordinary remedy under Article 226 is itself a good ground to refuse to exercise discretion in favour of the petitioner in the facts of the present case.
23. For all the reasons aforesaid, this writ petition cannot be entertained.
24. WPA 15288 of 2026 stands dismissed. There shall be no order as to costs.
25. Urgent photostat certified copy of this order, if applied for, be supplied to the parties subject to compliance with all requisite formalities.

(Om Narayan Rai, J.)