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Jalpaiguri
22.03.2022
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**Calcutta High Court
In the Circuit Bench at Jalpaiguri
Appellate Side
From Principal Bench**

WPA 688 of 2022

Ali Khatirul
Vs.
The State of West Bengal and others

Mr. Sanjay Mukherjee
Mr. Dhananjay Nayak

.... for the petitioner.

Affidavit-of-service filed in court today be kept
on record.

Despite service, none appears for the
respondents.

The grievance of the petitioner, who is a daily
labourer by profession, is that, despite the petitioner
having cleared off all previous dues, including for the
period from November 2020 to January 2021, as
evidenced at page-15 (Annexure-P2 of the writ
petition), the Distribution Licensee raised a bill
subsequently on May 12, 2021 which also included a
period subsequent to the billing date itself, that is, for
the months of May, June and July 2021.

Learned counsel for the petitioner submits that such bill was patently absurd. Moreover, in view of the petitioner having already deposited Rs.960/- in terms of the previous bill for the period from November 2020 to January 2021 (Annexure-P2), it is argued that the electric supply of the petitioner could not have been disconnected by the Distribution Licensee within the contemplation of Section 56 of the Electricity Act, 2003.

Since the petitioner has made out a strong prima facie case as regards the patent illegality in the bill and keeping in view the vocation of the petitioner and his financial condition, relegating the petitioner to the Grievance Redressal Officer, which is otherwise the appropriate authority under the law, would entail unnecessary harassment and expenses for the petitioner.

Hence, the writ petition is entertained and shall be heard on merits.

The petitioner shall serve a fresh notice on the respondents, along with copies of the writ petition, indicating that the matter shall next be enlisted for hearing on May 17, 2022.

Affidavit-in-opposition, if any, shall be filed by the respondents within April 8, 2022. Reply, if any, shall be filed by May 16, 2022.

The Distribution Licensee, that is, the WBSEDCL shall take immediate steps for restoration of the electric connection of the petitioner without any further payment by the petitioner for such reconnection, as an *ad hoc* arrangement, till disposal of the writ petition, subject to the petitioner going on paying the current electric charges raised by the WBSEDCL.

It is made clear that the arrangement as directed hereinabove is only on *ad hoc* basis and shall not create any special right or equity in favour of the petitioner and/or prejudice the rights and contentions of the parties at the time of hearing of the writ petition.

The reconnection, as directed above, shall be positively effected within one week from the further service of notice on respondent no.6.

The petitioner shall file a fresh affidavit-of-service accordingly on the next date of hearing.

(Sabyasachi Bhattacharyya, J.)