

01.05.2025
(D/L 24&25)
Ct. No. 1
(Naba)

**CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI**

**M.A.T. 73 of 2024
With
CAN 1 of 2024**

**M/s North East Ferro Alloys
Company Pvt. Ltd. & Anr.
Vs.
West Bengal State Electricity
Distribution Co. Ltd. & Ors.**

**M.A.T. 1 of 2020
With
CAN 2 of 2020**

**West Bengal State Electricity
Distribution Co. Ltd.
Vs.
M/s North East Ferro Alloys
Company Pvt. Ltd.**

Mr. Debasis Kundu, Sr. Adv.,
Mr. Somen Dutta,
Mr. R. N. Banik,
Mr. Kunaljit Bhattacharjee,
Mr. Alok Sah

... for the Appellants in MAT 73 of 2024
... for the Respondents in MAT 1 of 2020

Mr. Subir Kumar Saha,
Mr. Hirak Barman,
Mr. Nabankur Paul

... for the Respondents in MAT 73 of 2024
... for the Appellants in MAT 1 of 2020

1. The issues which arise in the present appeals is whether the petitioners were able to substantiate payments having been made insofar as the claim of subsidy in respect of arrears energy charges, subsequent upon enhancement of tariff since the financial year 2010-11 till 2014-15; and whether they are entitled to payment of any interest.
2. The writ petition has been allowed by the Hon'ble Single Judge but without any interest which has

brought the writ petitioner in appeal before this Court in MAT 303 of 2021/MAT 73 of 2024.

3. The respondents State has also assailed the order as according to them writ petitioner were unable to establish by way of any money receipt issued by respondent no.5 in support of their claim that they have made payment of the arrears energy charges for the above noted period.
4. It is under such circumstances and keeping in view the scope of dispute, we consider it appropriate that notice be issued upon respondent no.5.
5. It is only when the respondent no.5 appears that they can be called upon to file an affidavit spelling out the details with reference to the receipt of payments made, if at all, for the aforesaid period of arrears energy charges.
6. Let notice be served by the appellants of MAT 303 of 2021/MAT 73 of 2024 by speed post. It will be open to the appellants to effect service by hand.
7. Affidavit-of-service be filed within two weeks from date.
8. List the matter in the next available circuit Bench.

(Madhuresh Prasad, J.)

(Supratim Bhattacharya, J.)