

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No.7174/2004

(From the judgement and order dated 19/02/2004 in MAT 551/04  
of The HIGH COURT OF CALCUTTA)

MANIK LAL DUTTA

Petitioner (s)

VERSUS

WEST BENGAL STATE ELECTRICITY BOARD &ORS

Respondent (s)

With I.A. No. 3(Appln. For permission to file addl.documents)  
(With prayer for interim relief)  
( With Appln(s). for exemption from filing c/c of the impugned Judgment )

Date : 19/04/2004 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE BRIJESH KUMAR  
HON'BLE MR. JUSTICE ARUN KUMAR

For Petitioner (s) Mr. Gurab Banerjee, Sr. Adv.  
Mr. Pranab Kumar Mullick, Adv.

For Respondent (s) Mr. M.N. Prishnamani, Sr. Adv.  
Mr. Pravir Choudhary, Adv.

UPON hearing counsel the Court made the following  
O R D E R

The special leave petition is disposed of in terms of the signed order.

(Sarojbala)  
PA to Addl.Registrar

(S.Malkani)  
Asstt.Registrar  
(The signed order is placed on the file)

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION  
SPECIAL LEAVE PETITION(C)NO.7174/2004

Manik Lal Dutta

Petitioner(s)

Vs.  
West Bengal State Electricity Board & Ors. Respondent(s)

O R D E R

This special leave petition arises out of the interim orders passed by the High Court during pendency of the writ petition.

The dispute is regarding payment of electricity charges. It appears that as against the provisional assessment, the petitioner was directed to pay an amount of Rupees twelve lakhs.

It is submitted, that the said payment has already been made. Thereafter, it appears that there has been final assessment as a result of which the petitioner has been put under liability of payment of much higher amount. Therefore, the petitioner was required to deposit a further amount of Rupees twenty one lakhs in a period spread over three months. That could not be done, hence, the electricity connection has been disconnected.

...2/-

: 2 :

The learned counsel for the petitioner has tried to show that the final assessment and the amount of installments is not correct. However, we feel that it would ultimately be a matter to be examined in the proceedings pending in the High Court.

We have also heard Shri M.N. Krishnamani, the learned senior counsel appearing for the State of West Bengal. Considering all the facts and circumstances of the case, we provide that in case the petitioner deposits the amount of Rs. twenty one lakhs in three installments, as provided under the order of the High Court, now in the months of April and on or before 15th day of the months of May and June 2004, in equal amounts, the respondent shall restore the electricity connection on payment of the first installment in April, 2004.

In case of default in any condition indicated above the benefit of this order shall not be available to the petitioner and it will be open for the respondent to disconnect the electricity.

...3/-

: 3 :

The special leave petition finally stands disposed of in the manner indicated above.

.....J.  
(BRIJESH KUMAR)

.....J.  
(ARUN KUMAR)

NEW DELHI  
APRIL 19, 2004.