

W.P.A. 12858 of 2023

**M/s Kharagpur Flour Mills Pvt. Ltd. & Anr.
Vs.
The State of West Bengal & Ors.**

Mr. Dibeyendu Chatterjee
....for the petitioners

Mr. Debanjan Mukherjee
...for the WBSEDCL

The petitioners have filed the present writ application challenging the action of the West Bengal Electricity Distribution Company Limited wherein the electricity provided in the name of M/s Anjani Flour Mills Pvt. Ltd. In which the petitioners are running as flour mills has been disconnected on 18th May, 2023.

Counsel for the petitioners submit that the petitioners have not received any notice and without the notice the authorities have disconnected the electric connection.

Counsel for the West Bengal State Electricity Board submitted that there is no requirement for issuance of notice upon the petitioners as the petitioners are not registered consumer. The electricity connection provided in the name of M/s Anjani Flour Mills Pvt. Ltd. On 4th May, 2023 the M/s Anjani Flour Mills Pvt. Ltd has requested the Regional Manager WBSEDCL for temporary dis-connection of the electric connection in the premises and accordingly

as per the request of M/s Anjani Flour Mills Pvt. Ltd., the electricity company has disconnected the electric connection.

It is find from the record initially the private respondents i.e. M/s Anjani Flour Mills Pvt. Ltd had entered into lease agreement on 1st November, 2006 with the petitioners for running the flour mill under the name and style of M/s Anjani Flour Mills Pvt. Ltd for a period up to 5 years and subsequently the lease agreement was extended from time to time and at present the lease agreement is valid till 31st August, 2028.

As per the agreement entered between the parties the petitioners have paid several lakhs of rupees and also paid electric consumption charges month to month as regular basis till the date of disconnection. The petitioners has paid electrical consumption charges to the Electricity Board regularly.

Considering the submission made by the respective parties and perused the materials on record, the petitioners has sent the copy of the writ application to the private respondents in spite of service of notice, none appears on behalf of the private respondents. Let affidavit-of-service be kept with the record.

This Court find that the private respondents only to harass the petitioners has adopted a short cut method by issuing letter to the authority for disconnection of the electric connection knowing fully well that the agreement

entered between the parties is valid till the 31st August, 2028 and without the electric connection the petitioners are not in a position to continue their business.

Considering the above circumstances the writ petition is disposed of by directing the respondent nos. 2 & 3 to immediate restore the electric connection of the petitioners in the name of the private respondents subject to payment of the restoration charges and the petitioners have liberty to recover the restoration charges from the private respondents.

WPA 12858 of 2023 is disposed of.

The respondent nos. 2 & 3 are directed to restore the electric connection forthwith not beyond the period of 1 (one) week from date.

(Krishna Rao, J.)