

24-12-2020
Subrata

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side

W.P.A.No.8171 of 2020
Sri Shyam Sundar Ghosh

-vs-

West Bengal State Electricity Distribution Company Limited & Ors.

Mr. Prabir Kumar Chowdhury ...for the petitioner

Mr. Debjit Mukherjee ...for WBSEDCL

The petitioner has two separate meters – one under Consumer ID No. 500641230 and the other under Consumer ID No. 500876043. The petitioner submits that the meters installed in respect of both the two supplies are defective and do not correctly record the consumption. He alleges that the bills raised by the West Bengal State Electricity Distribution Company Limited (in short WBSEDCL) are erroneous and inflated. He also says that, despite repeated complaints, WBSEDCL did not replace the defective meters which resulted in a dispute. The petitioner did not pay the billed amount, and as a consequence whereof, the supply against Consumer ID No.500641230 has been disconnected. The other supply under Consumer ID No.500876043 remains operational, as the petitioner has made an ad hoc payment of Rs.1,00,100/-.

On behalf of WBSEDCL, it is submitted that the writ petition is not maintainable inasmuch as the petitioner's remedy lies in making a complaint before the Regional Grievance Redressal Officer (in short RGRO) in terms of clause 3.5.1 of regulation 55 published by the West Bengal Electricity Regulatory

Commission on August 7, 2013.

After hearing the parties and considering the materials available in the case records, I am of the opinion that since the dispute relates to the billed amount, the same is to be adjudicated by the RGRO as per the regulation 55. That apart, and in any event, the factual aspect of the matter, which is intrinsically connected with the billing dispute, cannot also be gone into by this court in exercise of writ jurisdiction.

Hence, if the petitioner approaches the RGRO by filing two separate complaints in respect of the bills disputed for the two separate connections within January 5, 2021, then RGRO shall, within two months from the date of the approach, decide the matter after affording a reasonable opportunity of hearing to the parties. In respect of the petitioner's prayer for reinstatement of supply which has been disconnected by the licensee, subject to the deposit of a sum of Rs.1,00,000/- within January 5, 2021, the supply against Consumer ID No.500641230 shall be restored. The amount so deposited will be without prejudice to the rights and contentions of the parties.

WBSEDCL shall also inspect the two meters in question catering Consumer ID Nos. 500641230 and 500876043 within January 5, 2021 and shall replace the same, if necessary, subject to payment of usual charges.

It is made clear that the petitioner shall continue to pay the bills that may be raised from time to time after reconnection in respect of the supply which has remained disconnected. So far as the other supply is concerned, since the petitioner has already

made an ad hoc payment of Rs.1,00,100, no further payment for the arrear sum has to be made. The petitioner shall, however, have to pay the bills subsequent to the inspection of the meters by the licensee in regular course, failing which it will be open to WBSEDCL to take such steps as permissible in law. In case of default by the petitioner from approaching the RGRO, WBSEDCL shall take steps in accordance with law.

Nothing remains further to be adjudicated in the writ petition and the same is accordingly disposed of without any order as to costs.

Since I have not called for any affidavits, the allegations contained in the writ petition are deemed to have not been admitted by the respondents.

Certified photostat copy of this order, if applied for, shall be given to the parties.

[Arindam Mukherjee, J]

