

Ct. 23
Item Nos.28
07.12.2020
(suvendu)

WPA 8934 OF 2020

**M/s Girish Holiday Inn Pvt. Ltd. & Anr.
Vs.
The WBSEDCL & Ors.**

(Via Video Conference)

Mr. Bratin Kumar Dey
.....for the petitioner

Mr. S.S.Koley
.....for the WBSEDCL

The petitioner operates a hotel from New Madhabpur (Maya Road), Ward No.9, Diamond Harbour, South 24 Parganas. The petitioner says that due to lock down and the pandemic the hotel remained closed since 24th March, 2020 and was open only on or about 1st October, 2020. It is further submitted that for the period when the hotel remained closed, the respondent no. 1, WBSEDCL, being the licensee, has raised an unusual bill of Rs. 7, 32, 225/-. The petitioner disputes the quantum of the bill and says that when the hotel remain closed the consumption cannot be to that extent. It is also the case of the petitioner that the meter bearing number ST 807278 was a defective meter and as

such incorrect recording has been made through it. WBSEDCL has prepared and raised bill on the basis of the incorrect reading of the said defective meter. The defective meter has now been replaced. However, the erroneous bill, according to the petitioner, has not been corrected.

On behalf of the WBSEDCL it is submitted that on receiving the objection from the petitioner, the bill has been looked into and has been reduced from Rs. 7, 32, 225/- to Rs. 5, 94, 412.84/-. On query from Court, it is submitted by WBSEDCL that the bill of Rs. 5, 94,412.84/- has been raised on the basis of the average consumption during the relevant period for the previous year.

The matter may be looked into from a different angle. If the hotel remained closed between March and September, 2020 owing to the lock down and the pandemic whether the average bill for the previous year for the relevant period when the hotel remained in operation will be applicable to assess the consumption of electricity that was erroneously recorded due to defective meter. In writ jurisdiction this question cannot be gone into apart from the fact that the West Bengal Regulatory Commission (Guidelines for Establishment of Forum for Redressal of Grievances of Consumers and Time and Manner of

Dealing with such Grievances by the Ombudsman) Regulation 2013 provides for a mechanism to a Consumer to ventilate his grievances. The writ court cannot go into the question of adjudicating the alleged un-metered consumption.

The petitioner is granted time till 21st December, 2020 to make a complaint to the Grievance Redressal Officer of the concerned region giving all necessary details in support of its grievances. In the event the petitioner makes such representation, the concerned Grievance Redressal Officer shall dispose of such representation after affording the parties a reasonable opportunity to represent their respective cases. The Grievance Redressal Officer will be free to decide as to the manner of the hearing to be granted that is whether physical hearing or through virtual mode. However, strict adherence to principles of natural justice has to be made. The Grievance Redressal Officer shall pass reasoned order within a period of forty five days from the date of the petitioner making the complaint and shall immediately communicate such reasoned order to the parties.

There shall be an unconditional order restraining WBSEDCL from disconnecting the petitioner's electricity supply at the premises in

question till 21st December, 2020 which will stand extended till upto ten days from the date of communication of the order to the petitioner in the event the petitioner makes a complaint as aforesaid. The petitioner, however, shall be liable to pay all monthly bills and other bills raised by WBSEDCL during this period on account of regular consumption apart from the disputed bill. If the petitioner fails to make the complaint within the time frame, WBSEDCL will be entitled to recover the said sum of Rs. 5, 94, 412.84/- from the petitioner.

Since no affidavit-in-opposition is called for, allegations contained in the writ petition are deemed to be denied.

The writ petition is disposed of without any order as to costs.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties on usual undertaking.

(Arindam Mukherjee, J.)