

24-12-2020
Subrata

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side

W.P.A.No.9511 of 2020

Sanatan Raj Malla

-vs-

West Bengal State Electricity Distribution Company Limited & Ors.

Mr. Anindya Bose ...for the petitioner

Mr. Debjit Mukherjee ...for WBSEDCL

The petitioner enjoys electricity supplied by West Bengal State Electricity Distribution Company Limited (in short WBSEDCL) through a meter bearing no.L0482706. Petitioner submits that the meter installed is defective and does not correctly record the consumption. He alleges that the bill raised by the WBSEDCL is erroneous and inflated. He also says that, despite repeated complaints, WBSEDCL did not replace the defective meter which resulted in a dispute. The petitioner says that supply is operational, but the petitioner apprehends disconnection. The disputed bill is dated 25th September 2020 for Rs.1,07,521/-.

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, 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 a complaint in respect of the disputed bill within January 5, 2021, then RGRO shall, within two months from the date of being approached, decide the matter after affording a reasonable opportunity of hearing to the parties.

WBSEDCL shall also inspect the meter in question within January 5, 2021 and shall replace the same, if necessary, on payment of usual charges.

The petitioner's supply for non-payment of the disputed bill of Rs.1,07,521/- dated 25th September 2020 should not be disconnected, if the petitioner prefers a complaint before the RGRO in time and pays all bills that may be raised from time to time excepting the disputed bill dated 25th September 2020.

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]

