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IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 100 of 2021

M/s. SPS Steels Rolling Mills Limited & Anr.
Vs.

West Bengal State Electricity
Distribution Company Limited (& Ors.

Mr. Sakya Sen,
Mr. Arnab Das,
Mr. Amritam Mondal,
Ms. Paromita Purkait
Mr. Sagar Chakravarty
... For the petitioners.

Mr. S. S. Koley
... For WBSEDCL.

Affidavit of service filed in Court today is
taken on record.

The petitioner is an industrial consumer under the West Bengal State Electricity Distribution Company Limited (in short, WBSEDCL). The petitioner has paid the bills that have been raised by WBSEDCL from time to time including the period between 17.00 hrs. of 23rd March, 2020 to 24.00 hrs. of 31st March, 2020 which was a period during the national lockdown, due to Covid-19. The petitioner says that the petitioner is entitled to certain relaxation for this period, as the factory of the petitioner was closedown due to the national lockdown. The petitioner refers to a press information released by the Government of India, Union Power

Ministry dated 28th March, 2020, in support of its contention that the petitioner is entitled to certain benefits during the national lockdown. The petitioner has made a representation before the Chief Engineer (Commercial), WBSEDCL, on 30th April, 2020. The petitioner says that despite such representation and subsequent follow up, WBSEDCL has taken no steps in terms thereof. The petitioner is seeking issuance of revised bill by giving the relaxation in terms of the press release by the Union Power Ministry, which according to the petitioner, has been extended by some other licensees.

On behalf of WBSEDCL it is submitted that the press release referred to by the petitioner is issued by the Union Power Ministry and the same is not binding upon WBSEDCL unless there is a corresponding circular from the Power Ministry of Government of West Bengal. It is also submitted on behalf of WBSEDCL that this issue has been settled by an order of the West Bengal Electricity Regulatory Commission (in short, WBERC) dated 6th May, 2020 in respect of some other consumers who had approached the said WBERC.

Be that as it may, the grievance of the petitioner regarding the concession, the petitioner claims to be entitled to during the lockdown, has to be gone into. The petitioner has claimed for issuance

of revised bill, though the petitioner has without prejudice to its rights paid the bills raised by WBSEDCL.

In the facts and circumstances as aforesaid, the petitioner is permitted to ventilate its grievances as mentioned in clause 2 and 3 of the petitioner's representation dated 30th April, 2020 before the concerned Regional Grievance Redressal Officer (in short, RGRO) appointed in terms of section 42(2) of the Electricity Act, 2003. The petitioner shall approach the concerned RGRO within 5th March, 2021. The RGRO, on being approached shall give a hearing to the parties and shall decide the issues raised by the petitioner in clause 2 and 3 of the petitioner's representation dated 30th April, 2020 made to the Chief Engineer (Commercial), WBSEDCL (at pages 182-183 of the writ petition). The concerned RGRO shall pass a reasoned order taking into consideration the terms of the Power Purchase Agreement between the parties and other relevant factors. The said RGRO shall communicate the order to the parties within seven days from the date of passing of the same. The entire exercise has to be completed by the concerned RGRO within a period of four months from the date of being approached by the petitioner. All points are kept open and the RGRO shall decide the issues before him without being

influenced by any of the observations made in the instant order, which have been made only for the purpose of adjudicating the instant writ petition.

Nothing further remains 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.

Urgent photostat certified copy of this order, if applied for, is to be given to the parties upon compliance of the necessary formalities.

(Arindam Mukherjee, J.)