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IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 24229 of 2019

Tapas Kumar Das
Vs.
West Bengal State Electricity
Distribution Company Limited & Ors.

Mr. Mahammad Mahmud,
Ms. Pinki Das
... For the petitioner.

Mr. Soumyajit Chakraborty
.... For WBSEDCL.

At the time when the matter was heard on 21st December, 2020, it was categorically submitted on behalf of the petitioner that the petitioner was not called for a hearing, pursuant to the representation made on 9th December, 2019. This submission on behalf of the petitioner was disputed by West Bengal State Electricity Distribution Company Limited (in short, WBSEDCL), by referring to a notice of hearing on 3rd January, 2020 pursuant to which the final order was passed. As a consequence thereof, this Court directed the Regional Grievance Redressal Officer (hereinafter referred to as RGRO), Hooghly, WBSEDCL, to inform this Court whether any notice for hearing of the matter on 3rd January, 2020 was given to the petitioner or not.

A report dated 22nd December, 2020, issued by the A. E. & Station Manager, Dadpur, CCC,

WBSEDCL, is made over to this Court, which is taken on record. A copy of the report is also made over to the petitioner.

Perusing the said report, it appears that a communication was sent by ordinary post informing the petitioner about the hearing on 3rd January, 2020. A system generated message was also sent to the petitioner's mobile bearing no.9800676121 by docket no.1435 dated 31st December, 2019.

The petitioner has relied upon a representation made to the RGRO, Hooghly, on 2nd January, 2020. A seal evinces that the same was received by the Regional Office, WBSEDCL, Hooghly, on 2nd January, 2020. From the said representation it is crystal clear that the petitioner received the mobile intimation dated 31st December, 2019 about the hearing scheduled to be held on 3rd January, 2020. The petitioner's submission on 21st December, 2020 regarding non-receipt of notice of hearing was, therefor, incorrect on the face of the record. It further appears from the report filed by WBSEDCL, that the petitioner's representation before the RGRO was disposed of because of the fact that the petitioner had filed the instant writ petition.

A dispute regarding the bill cannot be gone into in exercise of the writ jurisdiction when there is a specific provision under the statute and the

regulations framed thereunder that the same has to be decided by the RGRO. Ordinarily, the writ petition should have been dismissed for the incorrect submission made by the petitioner as recorded hereinabove. However, for the ends of justice, the petitioner is afforded a last opportunity by putting the petitioner on terms. The outstanding sum of the petitioner against the disputed bill as per WBSEDCL, is Rs.95815.87.

Subject to petitioner paying Rs.50,000/-, within 20th January, 2021, the RGRO, Hooghly, shall reconsider the petitioner's representation dated 9th December, 2019, by recalling and/or withdrawing the draft order dated 3rd January, 2020 and the final order dated 27th January, 2020. In the event, the petitioner pays the said sum and approaches the RGRO, the RGRO by affording a reasonable opportunity of hearing to the parties shall dispose of the matter within six weeks from the date of being approached.

It is made clear that the petitioner shall pay and continue to pay all the bills except the disputed bill covered by the petitioner's representation dated 9th December, 2019 and WBSEDCL shall be free to take such steps as permissible in law in case of default by the petitioner. In the event of default by the petitioner in depositing the money, it will be open

to WBSEDCL, to realise the outstanding amount against the disputed bill, as permissible in 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 respondent.

Urgent photostat certified copy of this order, if applied for, is to be given to the parties upon usual undertakings.

(Arindam Mukherjee, J.)