

AD. 20.
March 25, 2022.
MNS.

WPA No. 2581 of 2022

Borhanuddin Mondal
Vs.
West Bengal State Electricity Distribution
Company Limited and others

Md. Zellar Rahaman

...for the petitioner.

Mr. Srijan nayak,
Mrs. Rituparna Maitra

...for the WBSEDCL.

Learned counsel for the petitioner contends that the West Bengal State Electricity Distribution Company Limited (in short 'WBSEDCL') is debarred by operation of Section 56(2) of the Electricity Act, 2003 (2003 Act) from claiming alleged outstanding dues pertaining to the year 2016 after the expiry of two years therefrom.

Learned counsel appearing for the WBSEDCL, however, controverts such submission and points out that even as per the electricity bills sought to be produced by learned counsel for the petitioner, it is evident that the outstanding dues were continuously shown to be recoverable as arrears. As such, it is argued that the bar of Section 56(2) of the 2003 Act is not attracted to the present case.

It is evident and fairly submitted by the learned Advocate appearing for the petitioner as well, that the

WBSEDCL has been indicating the arrear of charges in most of the bills for the relevant period after the arrears became due.

Hence, as per operation of the language of sub-section (2) of Section 56 of the 2003 Act, the present case falls within the zone of exception as contemplated in the said sub-section. Since sub-section (2) of Section 56 of the 2003 Act specifies that the bar stipulated therein would operate “unless such sum has been shown continuously as recoverable as arrear of charges for electricity supply”, which test is satisfied in the present case, there is no scope of the bar being attracted in the instant matter.

Hence, there is no scope for interference with the claim of the WBSEDCL in the present writ petition.

Accordingly, WPA 2581 of 2022 is dismissed without any order as to costs.

However, it will be open for the petitioner to approach the concerned Grievance Redressal Officer (GRO) in the event the petitioner has any grievance regarding the quantum of outstanding dues charged as arrears by the WBSEDCL.

If so approached, the GRO shall decide the dispute in accordance with law, upon giving appropriate opportunity of hearing to all concerned as expeditiously as possible, preferably within two

months from the date of reference of the matter to the GRO.

Urgent photostat certified copies of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

(Sabyasachi Bhattacharyya, J.)