

23rd March,
2022
(AK)
05

W.P.A 4431 of 2022

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

Mr. S. P. Lahiri
Mr. M. Alam

...for the petitioner.

Mr. Saurav Chaudhuri

...for WBSEDCL.

Affidavit-of-service filed in court today be kept on record.

Learned counsel for the petitioner submits that the petitioner had been running a stone crusher machine from his property.

However, a theft occurred at the said location, affecting adversely the business of the petitioner. That apart, the pandemic interfered, thereby preventing the petitioner from carrying on his business altogether.

It is submitted that, despite the declaration of lock down during a substantial period of the pandemic and consequential halt of business, the Distribution Licensee, that is, the WBSEDCL had continued to raise exorbitant bills.

That apart, it is contended that since the theft has been *prima facie* established by the police report in

connection with the complaint of the petitioner as well, the bills raised by the WBSEDCL were patently exorbitant.

That apart, it is argued, the WBSEDCL communicated to the petitioner that the meter of the petitioner was burnt, which was impossible in view of the entire meter room having been ransacked by the criminals who committed theft and the meter itself having been completely destroyed.

Learned counsel appearing for the Distribution Licensee takes a preliminary objection as regards the maintainability of the writ petition, in view of availability of an equally efficacious alternative remedy before the concerned Grievance Redressal Officer.

It is evident from the allegations made in the writ petition that several factual aspects have to be considered, upon appreciation of material evidence, in order to come to a conclusion in the matter. Several aspects of the matter require the evaluation of documents.

First, as to whether the meter was burnt or stolen, thereby making it impossible for the petitioner to consume any electricity during the relevant period; second, whether during the pandemic and the ensuing lock down, the petitioner could have carried on his business which would have consumed power sufficient to

generate the exorbitant bills, as well as other issues on other aspects.

The writ court is not the appropriate forum for deciding such issues upon taking evidence, factual or otherwise.

Hence, WPA 4431 of 2022 is disposed of with liberty to the petitioner to approach the concerned Grievance Redressal Officer with the dispute as canvassed in the present writ petition as early as possible.

In the event the petitioner approaches the Grievance Redressal Officer by March 30, 2022, the Grievance Redressal Officer shall endeavor to decide the issue in accordance with law upon hearing all necessary parties as expeditiously as possible thereafter, preferably within April 30, 2022.

Further leave is granted to the petitioner to approach the Grievance Redressal Officer with the petitioner's prayer for installments in paying the amount admittedly due for the purpose of seeking reconnection.

There will be no order as to costs.

Urgent photostat copies of this order, if applied for, be given to the parties upon compliance of all requisite formalities.

(Sabyasachi Bhattacharyya, J.)