

18.04.2022

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Sl. No. 03

Ct. No. 09

WPA 4693 of 2022

Sk. Abdus Selim & Ors.

-Versus-

The Chairman, West Bengal State Electricity
distribution Company Limited & Ors.

Mr. S. P. Lahiri

Mr. Abdus Salam

..... for the petitioners

Mr. Srijan Nayak

Mrs. Rituparna Maitra

..... for the W.B.S.E.D.C.L.

The petitioners contend that separate electricity bills have been sent to the petitioners over different periods, which are exorbitant in quantum.

Such bill amounts much exceed the usual charges which are levied during similar periods at other times.

It is submitted that, apprehending that the electric meters-in-question were defective, the petitioners have raised the issue by way of a complaint dated February 9, 2022 (annexure P3 at page-32 of the writ petition). However, the distribution licensee, that is, the WBSEDCL has not yet taken any steps for ascertaining of the validity of the bills and/or the functionality of the said electric meters.

Learned counsel appearing for the distribution licensee contends that six separate petitioners have approached this court by way of a single writ petition, despite having alleged separate causes of action.

Without being technical, learned counsel for the WBSEDCL submits that nonetheless, the amounts alleged and the exact bills on which such apprehension of the petitioners is based have not been disclosed in details in or with the present writ petition.

It appears that there is substance in the submission of learned counsel for the WBSEDCL that a composite writ petition has been filed by the six writ petitioners, although having different causes of action in respect of their respective meters.

However, keeping in view the financial constraints of the petitioners, all of whom are marginal cultivators, the writ petition is treated to be a composite one comprised of six challenges by the six writ petitioners.

Since apprehension has been informed to the distribution licensee by the petitioners in respect of the correctness of the meter readings and the alleged improper functioning of the electric meters of the petitioners but no specific details in respect of the period in question of such allegedly defective bills have been disclosed in the writ petition, WPA 4693 of 2022 is disposed of by granting liberty to each of the writ

petitioners to lodge fresh, separate complaints in respect of their respective electric meters, mentioning the exact period regarding which the petitioners allege the apprehension regarding faulty bills, within a week from date.

Since the petitioners are from a constrained financial background, as indicated above, further liberty is given to each of the petitioners to approach the WBSEDCL with separate applications seeking payment of the dues levied on the petitioners by reasonable instalments without prejudice to their objections to the bill quanta, subject to the outcome of the examination and inspection undertaken by the WBSEDCL on the basis of the complaints lodged by the petitioners.

If so approached, the WBSEDCL shall consider the said separate complaints and applications for instalment of the petitioners as expeditiously as possible and upon taking appropriate inspection and undertaking any other examination, which may be deemed necessary by the WBSEDCL to arrive at a decision on the complaints of the petitioners and their applications for instalment, expeditiously, preferably within five weeks from the date of approach by the writ petitioners. The decisions will be intimated by the WBSEDCL to the writ petitioners individually, at the earliest thereafter.

The WBSEDCL shall not disconnect the electricity supply of the petitioners on the ground of non-payment of the entire default amount, in the meantime, subject to the petitioners continuing to pay their respective current electricity charges and the instalments which may be granted by the WBSEDCL, till the WBSEDCL arrives at a decision in respect of the complaints and applications of the petitioners.

It is made clear that the merits of the contentions of the parties in respect of the veracity of the electric bills and the condition of the electric meters have not been gone into by this Court and it will be open to the WBSEDCL, subject to giving appropriate opportunity of representation/hearing to the petitioners, to arrive at appropriate findings in that regard.

There shall be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be given to the learned Advocates for the parties on the usual undertakings.

(Sabyasachi Bhattacharyya, J.)