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10.05.2022.
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IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

W.P.A. No. 5821 of 2022

Arijit Saha

-vs.-

State of West Bengal & Ors.

Ms. Joyee Maiti,
Ms. Sukanya Das
...for the petitioner

Mr. Partha Sarathi Basu
...for the WBSEDCL

Mr. Tarak Karan
...for the State

The grievance of the petitioner is that, when the petitioner sought for a new electricity connection in the petitioner's own name, the Distribution Licensee claimed huge outstanding dues allegedly standing in the name of the petitioner's father, but in respect of different premises. Such claim of the Distribution Licensee is disputed by the petitioner.

Learned counsel appearing for the Distribution Licensee hands over a photocopy of a communication, apparently made to the petitioner by the Distribution Licensee, indicating the exact amount of outstanding dues and the consumer number in respect of which the same fell due. Let the said communication be kept on record.

Learned counsel reiterates that the petitioner's father had been using electricity from the defaulting meter at the same premises for running a restaurant itself, from which the petitioner was also benefited and, as such, the Distribution Licensee is entitled to claim such amount from the petitioner.

However, such contentions are disputed by learned counsel appearing for the petitioner, on instruction.

Since a specific dispute has been raised in respect of outstanding dues, the Grievance Redressal Officer is the appropriate forum, under the regulations of the West Bengal Electricity Regulatory Commission, to decide the issue.

It is beyond the scope of the writ jurisdiction to enter into a detail discussion on the evidence in that regard and to come to a factual finding on such score. As such, W.P.A. No. 5821 of 2022 is disposed of by granting liberty to the petitioner to approach the concerned Grievance Redressal Officer with the dispute as to the outstanding dues claimed by the WBSEDCL for the petitioner taking a new electricity connection at the premises-in-question.

It so approached, the concerned Grievance Redressal Officer shall decide the issue by giving adequate opportunity of hearing to all concerned in accordance with law, as expeditiously as possible,

preferably within six weeks from the date of reference to the Grievance Redressal Officer.

There will be no order as to costs.

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

(Sabyasachi Bhattacharyya, J.)