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IN THE HIGH COURT AT CALCUTTA  
CONSTITUTIONAL WRIT JURISDICTION  
APPELLATE SIDE

W.P.A. No. 6867 of 2022

Suresh Das  
-vs.-  
Calcutta Electric Supply  
Corporation Limited & Ors.

Mr. Sutirtha Das,  
Mr. Kaushik Chowdhury  
...for the petitioner

Mr. Debanjan Mukherjee  
...for the CESC Limited

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

Learned counsel appearing for the petitioner  
contends that the petitioner has given a representation  
to the Distribution Licensee, that is, the CESC Limited,  
challenging arrear dues claimed by the CESC Limited  
despite no such dues being payable by the petitioner, as  
per the petitioner.

It is submitted, in consonance with the  
pleadings at paragraph 13 of the writ petition, that the  
availability of a remedy before the Grievance Redressal  
Officer and, thereafter, the Ombudsman, is not an  
absolute bar to entertaining the writ petition. It is  
further contended that the dispute raised in the writ  
petition is not a strict billing dispute in terms of the

extant Regulations, since the dispute raised is not in respect of the number of units consumed but as to the liability as a whole.

Such contention is disputed by learned counsel appearing for the CESC Limited, who places reliance on Clause 3.5.1 of Regulation 55 of the West Bengal Electricity Regulatory Commission, 2013, which specifically provides for reference of such disputes to the Grievance Redressal Officer.

It is submitted that such factual question ought not to be decided by the writ court for the first time.

Upon hearing the contentions of the parties, it is evident that the relevant regulation, that is, Clause 3.5.1 of Regulation 55 of the 2013 Regulations, specifically provides a remedy before the Grievance Redressal Officer in respect of any billing dispute. Moreover, if a consumer is aggrieved against an order of the Grievance Redressal Officer, a remedy is also available before the Ombudsman.

Such two-tier remedy ought not to be usurped by this Court, sitting in writ jurisdiction, thereby depriving both the parties of two forums.

That apart, contrary to the submission of the petitioner, the present dispute squarely falls within the purview of 'billing dispute', since such dispute is not restricted merely to the number of units consumed but is wider in import, taking within its ambit disputes

relating to the billed amount, on whatever ground, as in the present case.

In view of the above reasons, W.P.A. No. 6867 of 2022 is disposed of without entertaining the same, granting liberty to the petitioner to approach the concerned Grievance Redressal Officer with the dispute in respect of the disputed arrear bill raised by the CESC Limited in respect of the petitioner.

If so approached, the Grievance Redressal Officer shall decide the said dispute in accordance with law, without being influenced by any of the observations made herein, upon giving adequate opportunity of hearing to all concerned.

Needless to say, this Court has not gone into the merits of the respective contentions of the parties in respect of arrears allegedly due from the petitioner to the CESC Limited.

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.)