

AD. 8.
March 24, 2022.
MNS.

WPA No. 18522 of 2021
with
CAN 1 of 2022

Smt. Mithusree Sarkar
Vs.
The State of West Bengal and others

Mr. Debangana Bhattacharjee,
Mr. Rajdeep Sinha,
Ms. Swarnali Saha

...for the petitioner.

Mr. Srijan nayak,
Mrs. Rituparna Maitra

...for the WBSEDCL.

Mr. Sudipto Panda,
Ms. Munmun Tewari

...for the State.

It is submitted by learned counsel for the parties that the attempts at conciliation have failed.

Hence, the matter is taken up for being decided on merits.

The limited scope of challenge in the present writ petition is that the West Bengal State Electricity Distribution Company Limited (in short 'WBSEDCL') has disconnected the electric supply of the petitioner, allegedly in contravention of the provisions of Section 56 of the Electricity Act, 2003 (2003 Act).

Learned counsel for the petitioner places the relevant notice sent by the WBSEDCL, annexed at page 12 (Annexure R2) of the affidavit-in-reply used

by the petitioner, wherein the time given by the WBSEDCL to the petitioner for making the payment mentioned therein was till December 13, 2021. However, the disconnection was effected by the WBSEDCL much prior to that, in November, 2021 itself.

Learned counsel for the WBSEDCL, however, controverts such allegation by arguing that previous disconnection notices had also been given to the petitioner by the WBSEDCL and, as such, the mandatory period of fifteen days, as stipulated in Section 56 of the 2003 Act, was not violated in any manner.

It is seen from the records and fairly contended by learned counsel for the parties that, at present, the petitioner is enjoying an electricity connection from the WBSEDCL by virtue of restoration of the said connection by the WBSEDCL upon payment of an *ad hoc* amount by the petitioner to the WBSEDCL pursuant to a direction of the Court.

However, the primary dispute raised by the petitioner in the context is in the nature of a billing dispute which, according to law, is to be resolved by the concerned Grievance Redressal Officer (GRO). Hence, I do not intend to usurp the jurisdiction of the GRO in exercise of Article 226 of the Constitution, in the process depriving the parties of at least two forums – the GRO and thereafter the Ombudsman.

Accordingly, WPA 18522 of 2021, along with CAN 1 of 2022, is disposed of by granting liberty to the petitioner to approach the concerned GRO within March 31, 2022 with the dispute regarding the bills raised by the WBSEDCL against the petitioner for electric charges.

If so approached, within the date as stipulated above, the GRO shall decide the issue as expeditiously as possible, preferably within one month from the date of such reference, upon hearing both sides and in accordance with law, without being influenced in any manner by any of the observations made herein.

The WBSEDCL is restrained from disconnecting the electricity supply of the petitioner during the pendency of the dispute before the GRO, subject to the petitioner going on paying the current electricity charges as per the regular bills raised by the WBSEDCL.

For the time being, at least till disposal of the matter by the GRO, the WBSEDCL will not levy any Delayed Payment Surcharge or claim outstanding dues from the petitioner, subject, of course, to final adjudication by the GRO and, if an appeal is preferred thereafter, by the Ombudsman.

It is made clear that the current bills, as and when raised by the WBSEDCL and the payments made pursuant thereto by the petitioner, shall be

entirely without prejudice to the rights and contentions of either of the parties and are being directed as an *ad hoc* measure, ultimately subject to the adjudication by the GRO or any other appellate authority, if so moved.

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 with the requisite formalities.

(Sabyasachi Bhattacharyya, J.)