

S/L. 10.
September 15, 2022.
MNS.

WPA No. 20538 of 2022

Haradhan Pal
Vs.
The West Bengal State Electricity
Distribution Company Limited and others

Syed Raihanul Hossain

... for the petitioner.

Mr. Partha Sarathi Basu

...for the CESC Limited

Learned counsel for the petitioner contends that the present challenge has been preferred against an order of the Ombudsman rejecting the petitioner's application for condonation of delay in preferring a challenge against an order of the Regional Grievance Redressal Officer (RGRO) in respect of a provisional assessment made against the petitioner on the ground of pilferage. It is submitted that the Ombudsman ought to have taken a liberal approach in view of sufficient reasons having been furnished in the condonation application.

It is further submitted that the disconnection was effected in 2003 and thereafter

there has been no consumption of electricity and, as such, the provisional bill raised in 2020 does not have any reasonable basis.

Learned counsel appearing for the West Bengal State Electricity Distribution Company Limited (WBSEDCL) submits that the petitioner had challenged the electricity bill before the RGRO, Murshidabad Region, and having failed in such forum, preferred a challenge before the Ombudsman as long after the order of the RGRO as about 134 days. Since no explanation for such delay was furnished in the application, it is submitted that the Ombudsman was justified in rejecting the application.

Upon a scrutiny of the application for condonation of delay filed by the petitioner before the Ombudsman, it transpires that no reason justifying the delay of 134 days whatsoever has been given in the said application. The only semblance of reason sought to be given by the petitioner in the said application that the delay was caused “for reasons beyond the control” of the petitioner. However, such reason, as given in the said application, does not furnish sufficient cause for condonation of the delay. The consumer cannot come up in challenge against

an order passed by the RGRO, according to his own whims, at any point of time, which would defeat the finality of all assessments made by the RGRO and other similar forums, particularly in view of the statute having specifically provided a limitation period for filing such challenge.

Hence, in the present case, there is no scope of interference with the impugned order, particularly since an allegation of pilferage has been levelled against the petitioner precisely on the ground that even after the meter being disconnected in 2003, unauthorized use of electricity was taken place on the behest of the petitioner.

Hence, WPA No. 20538 of 2022 is dismissed on contest without any 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.)