

AD-09
Ct No.09
06.12.2022
TN

WPA No. 25327 of 2022

Kapil Ghosh
Vs.
The West Bengal State Electricity Distribution
Company Ltd. and others

Mr. Biswajit De,
Ms. Mousumi Arji

.... for the petitioner

Mr. Sujit Sankar Koley,
Mr. Kanak Kiran Bandyopadhyay

.... for the WBSEDCL

Learned counsel for the petitioner contends that the Ombudsman specifically passed an order dated November 12, 2020, *inter alia*, setting aside the draft settlement order and final order passed by the R.G.R.O. (Regional Grievance Redressal Officer) and passing certain directions.

It is argued that subsequently a bill was raised without implementing the directions as given by the Ombudsman. As such, the amount payable at a time shown in the said bill, which is annexed at page – 43 of the writ petition, to the tune of Rs.5,21,222/-, is exorbitant.

Learned counsel appearing for the West Bengal State Electricity Distribution Company Limited (WBSEDCL), apart from disputing such contention

and arguing that the WBSEDCL strictly followed the directions of the Ombudsman, submits, on instruction, that the actual dues from the petitioner as raised by the WBSEDCL comes to Rs.1,46,614.79.

Since the parties contest on the factual issues with regard to the WBSEDCL having allegedly not complied with the order of the Ombudsman to the letter, the matter is remanded to the Ombudsman with a direction on the WBSEDCL to file a 'compliance report' with regard to the order passed by the Ombudsman dated November 12, 2020 in Representation No. W-183 BB/2019.

Upon such compliance report being filed, which shall be done within a fortnight from date, if the Ombudsman feels necessary, opportunity may be given to the parties to file fresh arguments with regard to the correctness and legality of the regenerated bill. If so directed, the parties shall cooperate with the Ombudsman for the purpose of enabling the latter to comprehensively decide the issue.

Thereafter, the Ombudsman shall give an opportunity of hearing on the same to both the parties and arrive at a reasoned finding in accordance with law as regards the correctness and legality of the bill raised after re-generation and adjustment by the WBSEDCL.

The entire exercise till deciding the issue afresh shall be concluded by the Ombudsman expectedly within January 15, 2023.

Accordingly, WPA No. 25327 of 2022 is disposed of.

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.)