

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

W.P.A. No. 26315 of 2022

Samir Kumar Hati
Vs.
The State of West Bengal & Ors.

Mr. Syed Shamsul Arefin,
Ms. K. Kulsum
... for the petitioner

Mr. Swapan Kumar Pal
... for the State

Ms. Susmita Chatterjee
... for the WBSEDCL

At the outset, learned counsel appearing for the West Bengal State Electricity Distribution Company Limited (WBSEDCL) takes an objection as to the maintainability of the writ petition before this Court, since the Grievance Redressal Officer concerned has jurisdiction to decide billing disputes.

Heard learned counsel for the parties.

The present dispute arises regarding an outstanding bill charged by the WBSEDCL on the petitioner. The petitioner has annexed the representation in such connection given by the petitioner at page 12 of the writ petition.

Although the Writ Court has jurisdiction to interfere in certain exceptional cases, as is well-settled, since the Grievance Redressal Officer is the appropriate

authority to decide the dispute factually on the issue involved herein, which squarely falls within the notion of a billing dispute, W.P.A. No. 26315 of 2022 is disposed of by granting liberty to the petitioner to approach the concerned Grievance Redressal Officer with the complaint regarding outstanding amounts charged in the electricity bill by December 12, 2022.

If so approached, the concerned Grievance Redressal Officer shall decide the issue in accordance with law, upon giving opportunity of hearing to all concerned, preferably within six weeks from the date of the complaint being made.

It is made clear that the date of commencement of the limitation period for approaching the Grievance Redressal Officer shall be deemed to be from the date of this order, that is, today.

The Distribution Licensee shall not disconnect the electricity supply of the petitioner on the ground of alleged non-payment of the outstanding bill amounts by the petitioner till eight weeks from date or the order of the Grievance Redressal Officer, whichever is earlier.

It is made clear that such restraint is directed on an *ad hoc* basis and shall not influence the decision of the Grievance Redressal Officer in any manner whatsoever and/or create any right in favour of either of the parties.

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.)