

D/L. 22.
December 14, 2022.
MNS.

WPA No. 26893 of 2022

Aowsar Ali
Vs.
The West Bengal State Electricity
Distribution Company Limited and others

Mr. Amit Kumar Ghosh,
Mr. Anujit Mookherjee

... for the petitioner.

Ms. Bandana Basu

...for the WBSEDCL.

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

Learned counsel for the petitioner argues
that the petitioner has raised a specific complaint
dated September 1, 2022, relating to the billing
dispute in respect of his electricity meter, which is
annexed at page 27 of the writ petition. However,
the Regional Grievance Redressal Officer
(RGRO) has not decided the said issue, but
merely replied to the petitioner asking the
petitioner to put in an amount equal to the sum
claimed in the disputed bills, alternatively, an
amount equal to the electricity charges due from
the petitioner for each month calculated on the

basis of average charge of electricity claimed during the preceding six months.

It is contended that even after the payment of such amount, the RGRO has not yet decided on the dispute raised by the petitioner.

Learned counsel appearing for the West Bengal State Electricity Distribution Company Limited (WBSEDCL) submits that, admittedly, the meter was defective, which was also indicated in the electricity bills raised by the Distribution Licensee. However, subsequently, the defective meter has been replaced. Even thereafter, the petitioner has refused to pay the outstanding amounts since September 2022. Despite not paying for such use of electricity, the petitioner has been enjoying the electricity, it is alleged.

It is evident from the allegations and counter allegations made between the parties, that the petitioner raised a specific billing dispute by way of the petitioner's complaint dated September 1, 2022 (Annexure- P5 at page 27 of the writ petition). Until and unless the RGRO decides the said issue, it would not be within the province of law for the WBSEDCL to disconnect the electricity supply of the petitioner on the

allegation of non-payment of the outstanding dues for the disputed period.

However, since subsequent non-payments are alleged, it will, in any event, be open to the WBSEDCL to raise such allegations against the petitioner and to take necessary steps in accordance with law with regard thereto. However, the non-adjudication on the specific billing dispute raised by the petitioner by the RGRO till date cannot be sanctioned.

As such, WPA No. 26893 of 2022 is disposed of by directing the concerned RGRO, Birbhum, that is, the present respondent no. 2, to decide on the complaint lodged by the petitioner as per Annexure – P5 at page 27 of the present writ petition.

Such decision shall be taken, if necessary, upon giving an opportunity of hearing to the petitioner and in accordance with law as expeditiously as possible, positively within January 6, 2023.

The outcome thereof shall be intimated immediately thereafter to the petitioner. Prior to such intimation to the petitioner on the outcome, the WBSEDCL shall not disconnect the electricity supply of the petitioner on the ground of non-

payment of the outstanding dues for the period,
which has been disputed in the said complaint.

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.)