

22nd December,
2022
(AK)
02

W.P.A 27341 of 2022

Aowser Ali @ Aowfar Ali
Vs.
The West Bengal State Electricity Distribution Company
Limited and others

Mr. Rajendra Banerjee
...for the petitioner.

Despite service, none appears for the respondents.

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

Learned counsel for the petitioner argues that the
petitioner had applied for a three-phase electricity
connection for the purpose of operating his submersible
pump.

However, only a single-phase connection was given
and thereafter, despite the subsequent electricity bills
indicating that the meter seemed to be defective, the same
was neither replaced nor was any three-phase meter
provided to the petitioner.

As a result, the bills are being raised on average on
the basis of the single-phase meter by tripling the amount
and taking an average bill.

It is submitted that such average billing is
compelling the petitioner to be overcharged.

As such, since it is admitted by the WBSEDCL in its
bills, that the meter is defective, it is the duty of the

WBSEDCL to immediately replace the said meter and provide a three-phase meter as expeditiously as possible.

Heard learned counsel and went through the materials-on-record. The materials clearly indicate that the contention of the petitioner is substantially correct, since it is reflected in the bills raised by the WBSEDCL itself that meter H494755, standing in the name of the petitioner, seemed defective even to the WBSEDCL personnel.

Hence, there cannot be any rhyme or reason why the WBSEDCL is insisting upon continuing with the said defective meter without replacing it and as to why a single-phase meter is being continued for the petitioner, despite the petitioner having applied for a three-phase meter.

Such average billing, it is rightly argued, is *ex facie* suspect, particularly over such a long period. As such, since the WBSEDCL chooses to remain unrepresented when the matter is called on for hearing, the writ petition is being decided *ex parte*.

In view of the above observations, WPA 27341 of 2022 is allowed, thereby directing the WBSEDCL to immediately replace the defective single-phase electricity meter, standing in the name of the petitioner, with a three phase meter which is functional and in good shape.

Such replacement shall be done by the WBSEDCL at the earliest, positively within three weeks from the date of

communication of this order to the respondents by the petitioner.

The petitioner is permitted, for the time being, to deposit fifty per cent of the arrears accrued on the basis of the average billing as outstanding dues to the WBSEDCL within three weeks from date.

In the event the petitioner make such deposit, the WBSEDCL shall not disconnect the electricity supply to the petitioner's meter on the ground of non-payment of outstanding dues for the period during which the bills indicating 'defective meter' were/are being sent, until and unless the WBSEDCL ascertains, upon hearing the petitioner, the veracity of the said bills.

The writ petitioner shall communicate this order (a server copy of the same) immediately upon the respondents.

It is made clear that the WBSEDCL shall decide the issue of erroneous billing for the petitioner for the meter-in-question, upon giving an opportunity of hearing to the petitioner, in a transparent process and decide the said issue in accordance with law.

The entire exercise shall be completed by the WBSEDCL within two months from the date of communication of this order to the respondents.

The parties shall act on the written communication of the learned Advocates for the parties, coupled with

server copy of this order, without insisting upon prior production of a certified copy thereof.

There will be no order as to costs.

Urgent photostat copies of this order, if applied for, be given to the parties upon compliance of all requisite formalities.

(Sabyasachi Bhattacharyya, J.)