

22nd December,
2022
(AK)
08

W.P.A 28128 of 2022

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

Mr. Biswajit De
Ms. Moushumi Arji

...for the petitioner.

Mr. Srijan Nayak

...for the WBSEDCL.

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

Learned counsel for the petitioner places reliance on
a previous order passed by this court on September 6,
2022 in WPA 16514 of 2022 and submits that the
petitioner seeks a transfer of the electricity meter
standing in the name of his deceased father.

The petitioner also disputed the condition of the
meter and the bills raised by the WBSEDCL before the
concerned Grievance Redressal Officer (GRO).

However, the GRO refused to decide the issue on the
ground that the petitioner is not yet a consumer for the
purpose of making the complaint.

Learned counsel for the WBSEDCL submits that
there are huge amounts of outstanding dues with regard
to the meter, which are required to be cleared first by the
petitioner before the petitioner's application for transfer of

name and/or challenge to the Grievance Redressal Officer be considered.

However, such policy of the WBSEDCL is *ex facie* unjust, since the WBSEDCL or any other Distribution Licensee cannot have the cake and eat it too.

In the present case, in the same breath, the WBSEDCL is disputing the *locus standi* of the petitioner, who is not yet a consumer, of challenging the veracity of the bills and, in the same breath, insisting upon clearing of the entire amount of disputed bills prior to even considering the application of the petitioner for transfer.

This cannot be the law.

However, in the present case, the petitioner has not yet made a formal application for transfer of name.

Hence, WPA 28128 of 2022 is disposed of by granting liberty to the petitioner to apply for transfer of the electricity meter or for a new connection at the same premises, in the event the contract between the petitioner's deceased father and the WBSEDCL has expired due to efflux of time after disconnection.

If such an application is made, the WBSEDCL shall accept and keep it under process till disposal of the challenge levied by the petitioner to the bills raised in the name of the deceased father of the petitioner.

The application for transfer shall be accepted by the WBSEDCL on an *ad hoc* basis without allowing the same, subject to the result of the challenge before the Grievance

Redressal Officer or any appeal preferred against the same.

During pendency of the transfer application by the petitioner, if filed, the petitioner shall be treated to be an “intending consumer”, who ought to be necessarily deemed as a “consumer” as per the definition of the Electricity Act, 2003 for the limited purpose of preferring a dispute/challenge before the GRO against a bill raised in the name of the predecessor of the intending consumer, which was left outstanding and has to be cleared by the intending consumer prior to getting a new electricity connection or a transfer in his name.

The GRO concerned shall revive the dispute raised by the petitioner with regard to the bill and revisit the same and decide the issue on merits upon giving opportunity of hearing to the petitioner within four weeks from the date of this order.

Upon such decision being taken, the same will be communicated immediately to the petitioner.

If the petitioner is aggrieved by such adjudication, it will be open to the petitioner to prefer an appropriate challenge before the Ombudsman.

In the event the petitioner agrees to the assessment made by the GRO, the petitioner shall deposit the said amount for his application for fresh connection/transfer being granted in accordance with law by the WBSEDCL.

It is made clear that the dispute raised by the petitioner and controverted by the WBSEDCL has not been entered into on merits in any manner whatsoever by this court and it will be open to the GRO to decide all issues involved independently in accordance with law.

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.)