

AD-39
Ct No.09
20.01.2023
TN

WPA No. 927 of 2023

Mabud Mallick
Vs.
The West Bengal State Electricity Distribution
Company Ltd. and others

Mr. Biswajit De,
Ms. Mousumi Arji

.... for the petitioner

Mr. Sujit Sankar Koley

.... for the WBSEDCL

Learned counsel for the petitioner contends that the petitioner had approached the Grievance Redressal Officer (GRO) and thereafter the Ombudsman with an allegation of a defective meter being supplied by the West Bengal State Electricity Distribution Company Limited (WBSEDCL) and non-replacement of the same.

Although the same was replaced on January 18, 2022 and the Ombudsman had directed by his order dated May 17, 2022 that the bills for the relevant period till January 17, 2022 shall be regenerated, subsequently in the month of September, 2022, the petitioner discovered that the second meter given to the petitioner is also defective.

Such apprehension is strengthened in view of the electricity bill which was allegedly downloaded by

the petitioner which indicated that the endorsement “meter seems defective” was mentioned there. It is alleged that subsequently a complaint was lodged with the Station Manager, Monteswar CCC, WBSEDCL, but no receipt was given to the petitioner, nor was the meter replaced further.

Learned counsel appearing for the Distribution Licensee disputes the contentions made in the writ petition and submits that the petitioner, if aggrieved by a fresh defective meter, is to approach the appropriate forum with such complaint.

Since the allegation of the petitioner that the subsequent meter installed for the petitioner’s connection is also defective and a complaint has apparently been made in that regard before the concerned Station Manager, the said dispute is to be decided by the Grievance Redressal Officer (GRO) concerned.

Since the cause of action for the present writ petition has arisen subsequent to the previous order of the Ombudsman, the same furnishes a new cause of action for approaching the appropriate forum, that is, the concerned GRO.

Accordingly, WPA No. 927 of 2023 is disposed of by granting liberty to the petitioner to approach the concerned GRO with the complaint of subsequent

defective meter being discovered in September, 2022. Upon such approach being made, the GRO shall, without being influenced by any of the observations made herein, decide the said dispute in accordance with law upon giving opportunity of hearing to all concerned as expeditiously as possible, preferably within six weeks from the date of such approach being made by the petitioner.

Upon a decision being taken, the same will be communicated to the petitioner from the end of the GRO. In the event the petitioner is further aggrieved by such order, it will be open to the petitioner to take the course of action as provided in law by preferring a challenge before the Ombudsman.

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.)