

24th January,
2023
(AK)
06

W.P.A 931 of 2023

Abhoy Banerjee
Vs.
The West Bengal State Electricity Distribution Company
Ltd. and others

Mr. Biswajit De
Ms. Mousumi Arji
...for the petitioner.

Mr. Srijan Nayak
Mrs. Rituparna Maitra
...for the WBSEDCL.

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

Learned counsel for the petitioner contends that
despite a previous order dated December 22, 2022 passed
in WPA 28125 of 2022, the concerned Grievance
Redressal Officer (GRO) refused to decide the dispute
raised by the petitioner with regard to defective meter on
the grounds as indicated in the reply sent by the GRO.

Learned counsel appearing for the Distribution
Licensee submits that the reason given for such refusal
was that the petitioner is not a consumer with regard to
the concerned electricity meter.

The petitioner's father, since deceased, was the
erstwhile consumer.

Moreover, there are huge dues left by the petitioner's
father, for which the payment of the same is a necessary

pre-condition to give electricity connection to the petitioner.

That apart, it is submitted that the petitioner has not applied in proper form for raising the billing dispute and/or for transfer of his name instead of his father.

Upon considering the contentions of the parties, it is clear that the petitioner has sought to raise a dispute regarding the meter standing in the name of the petitioner's deceased father being defective.

It is a Catch-22 situation since the petitioner has to pay the entire outstanding dues of his father, the erstwhile consumer, while at the same time the dispute raised by the petitioner with regard to the allegedly defective meter is not being resolved on the ground that the petitioner is not a consumer.

However, for the ends of justice, the petitioner cannot be compelled to pay outstanding dues without the dispute sought to be raised by the petitioner regarding defective meter being resolved first.

In such scenario, WPA 931 of 2023 is disposed of by granting liberty to the petitioner to apply in proper format raising the dispute regarding defective meter before the appropriate Grievance Redressal Officer.

Prior thereto, the petitioner shall also file an application in proper format for transfer of the electricity

meter in the petitioner's name instead of his deceased father, the erstwhile consumer.

If such transfer application is made by the petitioner, the WBSEDCL shall keep the same under process without allowing the same, subject to the outcome of the defective meter dispute raised by the petitioner.

If the petitioner applies in correct format raising the dispute before the concerned GRO, the GRO shall decide the said dispute afresh without refusing to do so merely on the ground that the petitioner is not a consumer, taking into account the pendency of the transfer application of the petitioner.

Even an intending consumer, for the purpose of deciding such a dispute, can be treated to be a consumer within the purview of the Electricity Act, 2003.

As such, as and when the application for resolving the dispute is filed by the petitioner before the GRO, the GRO shall decide the same, subject to prior filing of the transfer application by the petitioner as indicated above, and resolve the said issue raised by the petitioner, in accordance with law and upon giving opportunity of hearing to the petitioner, as expeditiously as possible, positively within four weeks from the date of raising such dispute before the GRO.

Upon such dispute being resolved and subject to any further challenge which the petitioner may, if aggrieved, prefer against the same, the transfer application of the petitioner shall be processed upon the petitioner depositing the amount due as outstanding, if any remaining after the resolution of the issue by the GRO or the appellate authority.

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.)