

22<sup>nd</sup> February,  
2023  
(AK)  
09

**W.P.A 2048 of 2023**

Sri Nirmal Kumar Datta  
Vs.  
The West Bengal State Electricity Distribution Company  
Limited and others

Mr. Bharat Chandra Simai  
Ms. S. Das

...for the petitioner.

Ms. Suvasree Ghose

...for the WBSEDCL.

Learned counsel for the petitioner submits that the petitioner alleged that the electricity meter through which connection is being given to the petitioner was defective.

Subsequently, the WBSEDCL raised an average bill for the relevant period, in view of the meter being defective.

However, thereafter the WBSEDCL has again sent a bill asking the petitioner to pay the entire amounts which were originally charged for the relevant period as electricity charges.

Learned counsel for the WBSEDCL hands over a statement of facts, which is a written instruction by the WBSEDCL, indicating that although initially the concerned official of the WBSEDCL had endorsed that the meter seemed to be defective, on subsequent inspection it

was found that the meter was healthy, for which the original bill was regenerated and the petitioner asked to pay the same.

It is evident that there is some doubt as to the health of the meter, since initially the WBSEDCL had taken a view that the meter seemed to be defective and there was higher billing.

Subsequently an average bill was also raised for the relevant period; however, thereafter the WBSEDCL resiled from such position and was of the opinion that the meter was not defective.

Since sufficient doubt has arisen in the circumstances, it will only be appropriate if the matter is examined by the concerned electrical inspector.

Accordingly, WPA 2048 of 2023 is disposed of by directing the WBSEDCL to refer the matter to the concerned Electrical Inspector for ascertaining the condition of the meter and whether it is defective or not. Such reference shall be made by the WBSEDCL within a week from date.

Upon receipt of such reference, the Electrical Inspector shall decide the issue upon conducting necessary examination of the concerned meter and, if necessary, upon giving opportunity of hearing to all concerned, as expeditiously as possible, preferably within four weeks from the date of reference.

The petitioner, in the meantime, shall deposit the dues as raised by the WBSEDCL at the usual rate. The current charges will be paid on by the petitioner.

However, inasmuch as the alleged arrears are concerned, such amount shall be paid by the petitioner on an *ad hoc* basis by two equal monthly installments.

The first of such installment shall be paid along with the current electricity charges for this month and the next, along with the current charges for the next month.

However, it is made clear that the said deposits by the petitioner regarding the arrears will be subject to final adjudication by the electrical inspector.

In the event the electrical inspector holds that the meter is defective, the WBSEDCL shall raise a fresh bill for the relevant period and/or adjust the amount paid by the petitioner, if in excess, within the next two billing cycles.

It is made clear that the question as to the correctness of the meter readings is not gone into on merits and is kept open for adjudication by the concerned Electrical Inspector.

The statement of fact filed in court today be kept on record.

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.)**