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04.05.2023
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In the High Court at Calcutta
Constitutional Writ Jurisdiction
Appellate Side

W.P.A. No. 9949 of 2023

Apal Chandra Das

-vs.-

The Chairman, West Bengal State
Electricity Distribution
Company Limited & Ors.

Mr. Subrata Karmakar,
Mr. Abdus Salam
...for the petitioner

Mr. Saurav Chaudhuri
...for the WBSEDCL

The petitioner raises an objection as to the alleged inaction of the West Bengal State Electricity Distribution Company Limited (WBSEDCL) in taking appropriate measures for replacement of the defective meter of the petitioner. Learned counsel places reliance on the representation of the petitioner annexed at page 32 of the present writ petition on such score.

It is submitted that the petitioner is a cultivator and has been using the electricity for operating his submersible pump and is facing difficulty due to such defective electricity meter.

Learned counsel appearing for the WBSEDCL disputes such contention. It is submitted that the petitioner is a habitual defaulter and has been

paying intermittently. However, huge amounts of electricity charges are still due from the petitioner to the WBSEDCL even as on today.

Learned counsel appearing for the WBSEDCL has also placed reliance on the written instructions received by him from his client, which is kept on record.

From paragraph no. 4 of the same it is seen that from March 31, 2008, the petitioner was enjoying a meter which had become defective and the same was replaced on December 20, 2014.

It is also stated in the written instructions that the currently installed meter was found defective on March 20, 2019 and therefore adjustment bill was claimed as per consumption recorded previously for healthy meter.

However, the written instructions contain nothing to indicate that after the current meter was found defective on March 20, 2019, the WBSEDCL took any effort whatsoever to replace the said defective meter.

Since the WBSEDCL, in its written instruction, has categorically admitted that even the currently installed meter was found defective on March 20, 2019, there is no conceivable reason why the WBSEDECL is going on charging adjustment bills instead of simply replacing the defective meter.

Such repeated replacement of meters by further defective meters itself raises doubt as to the meter reading of the WBSEDCL. Moreover, the representation-in-question, annexed to the present writ petition, was given as currently as on March 20, 2023, has not yet been redressed by the WBSEDCL.

Hence, the WBSEEDCL shall immediately replace the defective meter of the petitioner within a fortnight from date with a new and properly functioning mater.

Thereafter, since it is admitted that since March 20, 2019 the current meter is also running in a defective state, the WBSEDCL shall regenerate the bills for the electricity charges payable by the petitioner from March 20, 2019 onwards on the basis of the extant Regulations of the WBERC applicable in such circumstances.

Prior to such regeneration of the bills, the WBSEDCL shall not charge any further current charges from the petitioner on account of electricity bills.

The bill amount previously raised to the tune of Rs.221577/- from March 2020 to March 2023 falls squarely within the period when the meter was admittedly defective and, thus, is hereby set aside and quashed.

The WBSEDCL shall raise a fresh bill as per the above direction within a fortnight from the replacement of the electricity meter, which has to be done within a fortnight from date.

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 of all necessary formalities.

(Sabyasachi Bhattacharyya, J.)