

19th May,
2023
(AK)
11

W.P.A 12247 of 2023

Md. Raju
Vs.
CESC Limited and others

Mr. Bidyut Kr. Halder
Mr. Indranil Halder
Ms. Srabanti Das
Ms. Neha Singh

...for the petitioner.

Mr. Uday Sankar Bhattacharya
...for the CESC Limited.

Learned counsel for the Distribution Licensee disputes the maintainability of the writ petition, since the petitioner is the son of the original consumer and the name of the original consumer in the meter has not yet been changed.

Learned counsel for the petitioner submits that the nature of the grievance is innocuous. Whereas a billing dispute was referred by the petitioner to the concerned Grievance Redressal Officer (GRO), the GRO relegated the matter to be forwarded to the “concerned Department” for their attention and necessary action.

It is contended that the said complaint lodged by the petitioner’s father could not have been relegated to some other authority or sub-delegated for adjudication.

It is evident that the GRO is the authority under the existing Regulations to decide billing disputes.

As such, the GRO palpably refused to exercise jurisdiction vested in him by law in directing the matter to be forwarded to some other concerned Department.

As regards maintainability, it is open to any person having knowledge to bring to the notice of the writ court any illegality or irregularity of a public authority for the purpose of the writ court issuing a writ, even *suo motu*, if necessary.

As such, since such palpable irregularity has been committed in the present case, the technical objection as to maintainability is turned down.

WPA 12247 of 2023 is allowed, thereby directing the GRO, being the respondent no.3 herein, to decide the billing dispute referred by the petitioner to the said officer at the earliest by himself and in accordance with law.

The GRO shall complete such exercise within six weeks from date, upon giving appropriate opportunity of hearing to all concerned.

Prior to the adjudication of the matter by the GRO, the CESC Limited shall not raise any further bill for realization of the alleged due amount which is disputed before the GRO.

However, the petitioner shall go on paying current electricity charges otherwise.

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.)