

D/L. 18.
June 8, 2023.
MNS.

WPA No. 12493 of 2023

Johur Ali
Vs.
The West Bengal State Electricity
Distribution Company Limited and others

Mr. Bhagabat Chaudhuri,
Mr. Mahbub Asfakul Zinna

... for the petitioner.

Mr. Debjit Mukherjee,
Ms. Susmita Chatterjee

...for the WBSEDCL.

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

The grievance of the petitioner is that the
petitioner was saddled with an energy charge for
the month of October, 2021 to the tune of
Rs.2,28,946.92 p.

Learned counsel for the petitioner places
reliance on certain previous bills which show that,
consistently, the monthly energy charges were of
Rs.2,460.40 p.

It is contended that the petitioner
approached the Regional Grievance Redressal
Officer (RGRO), who recorded in his order that
there was a mishap on the part of the A.E. &

Station Manager, Gokarna Customer Care Centre that the accumulation of reading should have occurred due to non-taking of timely meter reading for which the respective reader/agency may not be pardoned and should be penalized as per norms.

However, despite recording the same, the RGRO proceed to affirm the bill, which order was affirmed by the Ombudsman without further application of mind. Against such orders, the present writ petition has been preferred.

Learned counsel appearing for the West Bengal State Electricity Distribution Company Limited (WBSEDCL) places reliance on Annexure- P4, which is a copy of the objection raised by the petitioner.

It is submitted that the said objection, in Bengali vernacular, merely mentioned that there was exorbitant bill for the month of October, 2021 and due to the Pandemic, the petitioner could not cultivate duly. Hence, the petitioner sought for an exemption of the bill, without raising any specific objection thereto.

However, the stand taken by the WBSEDCL cannot sustain.

In the written objection of the petitioner, an ingredient that the cultivation being stopped due to pandemic was clearly mentioned, which might very well have been a ground for the bill being labelled as exorbitant.

That apart, palpably, the previous bills were to the tune of Rs.2,460.40 p. per month, whereas all on a sudden in the thick of the Pandemic scenario, the energy charges for the month of October, 2021 was assessed to be Rs.2,28,946.92 p. *Ex facie*, such calculation is defective.

However, the RGRO and/or the Ombudsman, without even entering into the merits of such faulty billing, washed off their hands by directing the petitioner, who is a cultivator of meager means, to pay such exorbitant amount. Such exercise by the Ombudsman as well as the RGRO are patently faulty and *de hors* the law.

Accordingly, WPA No. 12493 of 2023 is allowed, thereby setting aside the orders of the Ombudsman as well as the RGRO and remanding the matter to the concerned RGRO for being re-heard and re-adjudicated, upon giving adequate opportunity of hearing to the petitioner

and/or his representative as well as the WBSEDCL. While making the further adjudication, the RGRO shall take into consideration all the relevant factors, including the fact that the accumulation of reading was held by himself previously to have occurred due to the timely meter readings having not been taken.

The RGRO shall seek from the WBSEDCL specific proof to substantiate its exorbitant claim during October, 2021, a Pandemic month, as well as take into account the fact that there was mistake on the part of the WBSEDCL itself, while making the fresh adjudication.

Such exercise shall be concluded by the RGRO as expeditiously as possible, preferably within two months from this date.

However, till such re-adjudication is made, the WBSEDCL shall remain restrained from taking any coercive action, including disconnecting the electricity supply of the petitioner on the ground of non-payment of the disputed bill of Rs.2,28,946.92 p. for the month of October, 2021.

However, it is made clear that the petitioner shall go on paying all current monthly electricity bills and nothing in this order shall

preclude the WBSEDCL from taking legal action in the event the current bills are not paid by the petitioner.

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.)