

AD-17  
Ct No.09  
01.08.2023  
TN

WPA No. 16985 of 2023

M/s. India Power Corporation Ltd.  
Vs.  
West Bengal Electricity Regulatory Commission  
and others

Mr. Kishore Datta,  
Mr. Bratin Kumar Dey

.... for the petitioner

Mr. Sujit Sankar Koley

.... for the WBSETCL

Learned senior counsel appearing for the petitioner submits that the petitioner is a small operator/licensee of electricity. On a previous occasion, a grievance was raised before this court by way of a writ petition, pertaining to the Deviation Settlement Mechanism, which is in force.

This court, by an order dated March 24, 2023 had disposed of WPA No. 1179 of 2023 by granting liberty to the petitioner to move before the West Bengal Electricity Regulatory Commission (WBERC), if necessary by filing an additional statement or other pleadings. It is submitted that the petitioner has done so and has also been going on paying the current electricity charges as observed in the said order.

However, the limited grievance in the present writ petition is that the WBERC is taking considerable

time in deciding the issue which has been raised, before it, thereby putting the petitioner to much financial hardship, since the petitioner operates on a comparatively small scale and is being severely affected.

Despite service, none appears for the WBERC at the time of call, although the petitioner and the WBSETCL are represented through counsel.

It is seen that even on July 31, 2023, when the matter was called on for hearing, the WBERC was unrepresented. The affidavit-of-service, which is kept on record, shows that the WBERC was duly served. In view of the innocuous nature of the prayer, further service is not directed on the WBERC.

Accordingly, WPA No. 16985 of 2023 is disposed of by directing the WBERC to dispose of the dispute, raised by the petitioner, that is, Case No. OA-418/22-23, by considering all pleadings and relevant materials and giving adequate opportunity of hearing to all parties, in terms of the direction dated March 24, 2023 passed in WPA No. 1179 of 2023, as expeditiously as possible, preferably within two months from the date of communication of this order to the WBERC.

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.)