

D/L. 21.
December 15, 2023.
MNS.

WPA No. 19609 of 2023

Dipali Moitra
Vs.
West Bengal State Electricity Distribution
Company Limited and others

Mr. Siddhartha Sankar Mandal,
Ms. Arunima Das Sharma

... for the petitioner.

Dr. Madhusudan Saha Roy

...for the WBSEDCL.

1. Learned counsel for the petitioner argues that the petitioner's electricity meter turned faulty and was reading exorbitant rates.
2. Although the petitioner wrote to the Distribution Licensee on August 12, 2021 for the first time and then on November 3, 2021 for the second time, no 'check meter' was installed until February 11, 2022.
3. It is submitted that, in the meantime, no replacement was also made regarding the meter.
4. Learned counsel places reliance on Clauses 11.0 and 11.1 of Regulation 46 of the West Bengal Electricity Regulatory Commission which stipulate that in case the metering

system is found otherwise faulty, the same shall be tested and shall be replaced / rectified within ten working days from the date of inspection.

5. In the present case, it is argued that it was the incumbent duty of the Distribution Licensee to hold an inspection immediately after the petitioner approached the Distribution Licensee about the faulty meter reading, which has not done.
6. It is argued that subsequently the Distribution Licensee went on charging at such exorbitant rates on the basis of the faulty meter without replacing or repairing the same.
7. Learned counsel appearing for the Distribution Licensee submits that as per Regulation 55, Clause 3.6.1, the Licensee has a right of average billing on the basis of the stipulation as made therein. It is submitted that the Distribution Licensee in the present case had made such average billing in terms of the said Clause and as such, the petitioner ought to have paid the said amount.
8. Insofar as the replacement is concerned, it is submitted that the Distribution Licensee is agreeable to replace the meter.

9. A perusal of the materials annexed to the writ petition indicates clearly that the Distribution Licensee, instead of average billing under the provision of Clause 3.6.1 of Regulation 55 went, on billing at exorbitant rates on the premise of the reading rendered by the faulty meter.
10. The petitioner is justified in arguing that as per Clause 11.1 of Regulation 46 of the WBERC, it was the bounden duty of the Distribution Licensee to hold an inspection and change the meter within ten working days from the complaint being made, that is, on August 12, 2021.
11. Having not done so, the Distribution Licensee palpably acted without jurisdiction in going on overcharging the petitioner on the basis of the faulty meter.
12. However, this court is not in a position, not being the designated authority under the Regulations, to decide as to what would be the actual electricity charges payable by the petitioner in terms of Clause 3.6.1 of Regulation 55 of the WBERC.
13. In such view of the matter, WPA No. 19609 of 2023 is disposed of by directing the

Distribution Licensee to repair / replace the defective meter of the petitioner within a week from date.

14. The petitioner is given the liberty to approach the concerned Grievance Redressal Officer (GRO) having territorial jurisdiction, also within a week from now, with the dispute regarding the alleged excessive billing of electricity charges from August 12, 2021 onwards.

15. If such approach is made, the GRO shall decide the same in accordance with law upon hearing all concerned as expeditiously as possible, positively within January 31, 2024.

16. However, the Distribution Licensee shall remain restrained from taking any coercive action against the petitioner for non payment of the arrear bills for the period after August 12, 2021 till the repair / replacement of the meter is made by the Distribution Licensee, until the matter is finally resolved by the GRO.

17. However, the above order shall be conditional upon the petitioner go on paying the regular electricity charges upon the faulty meter being replaced by the Distribution Licensee.

18. There will be no order as to costs.

19. 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.)