

M/L. 100.
March 2, 2023.
MNS.

WPA No. 19004 of 2019

Gouri Sau
Vs.
The West Bengal State Electricity
Distribution Company Limited and others

Sk. Jayed Hossain

... for the petitioner.

Mr. Srijan Nayak,
Mrs. Rituparna Maitra

...for the WBSEDCL.

Affidavit-in-reply filed in Court today be
kept on record.

Learned counsel for the petitioner
contends that the petitioner is an indigent lady of
about 67 years and is suffering due to lack of
electricity. Even after having applied for a new
electricity connection to her premises, the West
Bengal State Electricity Distribution Company
Limited (WBSEDCL) refused to give such
connection unless the petitioner deposited huge
outstanding dues allegedly pending in connection
with the same premises.

Learned counsel for the petitioner further
contends that the petitioner does not have any
nexus with any other meter, which defaulted in

payment of electricity charges. It is contended that although the Consumer Identification No. in respect of the alleged defaulting meter has been cited by the WBSEDCL, the same pertains to different premises, where the petitioner never resides.

Learned counsel for the WBSEDCL, by placing reliance on the draft reasoned order of the concerned Regional Grievance Redressal Officer (RGRO), who was approached by the petitioner, submits that as per the specific finding of the RGRO, there were two defaulting meters at the same premises, where the present connection has been sought by the petitioner, dues of which are still outstanding.

As such, it is contended that the petitioner having exhausted the forum provided in law, is not entitled to approach the writ court afresh on the same issue.

It appears from the records that the RGRO came to the specific finding that there are two disconnected service connections in the same premises, where the petitioner has asked for new electricity connection. Those were disconnected on the ground of theft of electricity committed by one Dilip Sau and there existed an outstanding

amount of Rs. 83,004/- against the pilferage bill as per the draft reasoned order dated July 22, 2019 by the RGRO.

As such, it is beyond the scope of the writ court to enter into the factual dispute raised in that regard by the petitioner. Moreover, the appropriate forum designated in law for a challenge against the order of the RGRO is the Ombudsman.

Hence, it would be premature at this stage to usurp the jurisdiction of the said forum, that is, of the Ombudsman.

Thus, WPA No. 19004 of 2019 is disposed of by granting liberty to the petitioner to approach the Ombudsman with a challenge against the order of the RGRO.

In view of pendency of the writ petition for so long, the Ombudsman, upon such a challenge being preferred within a reasonably short period by the petitioner, shall proceed on the premise that the petitioner had been proceeding *bona fide* before a wrong forum, that is, the writ court, during the entire period for which the writ petition was pending, for the purpose of calculating limitation.

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.)