

AD-41
Ct No.09
18.12.2023
TN

WPA No. 24822 of 2023

Nur Mahammad
Vs.
The West Bengal State Electricity Distribution
Company Limited and others

Ms. Sima Ghosh

.... for the petitioner

Mr. Sankar Banerjee

.... for the WBSEDCL

- 1.** The grievance in the writ petition is two-fold.
- 2.** First, it is alleged that despite the petitioner having written on several occasions, his faulty electricity meter was not being changed. However, it is contended that during pendency of the writ petition, recently the faulty meter has been replaced.
- 3.** The second limb of the grievance is that the West Bengal State Electricity Distribution Company Limited (WBSEDCL) is allegedly overbilling the petitioner, charging exorbitant amounts for periods when there is no cultivation of any crop by the petitioner; as such, there was no scope for expenditure of electricity for operating the submersible pump during such periods.

- 4.** Occasionally, the WBSEDCL has also been threatening of disconnection if the petitioner failed to pay such amounts.
- 5.** Learned counsel for the WBSEDCL reiterates that the defective meter has been replaced. That apart, the fact that the electricity meter has not yet been disconnected itself shows that the WBSEDCL has not been taking coercive action against the petitioner for non-payment of the dues. However, the allegations made on overbilling are refuted by the WBSEDCL.
- 6.** Since the law provides a particular forum, that is, the concerned Grievance Redressal Forum to decide billing disputes, it would only be prudent to relegate the matter to the said authority instead of the writ court usurping such jurisdiction.
- 7.** Accordingly, WPA No. 24822 of 2023 is disposed of by granting the petitioner liberty to approach the concerned Grievance Redressal Forum with the billing dispute as sought to be raised herein. If so approached by the petitioner within a fortnight from date, the Grievance Redressal Officer (GRO) shall decide the same as expeditiously as possible in accordance with law

and dispose of such grievance within January 31, 2024.

- 8.** Till the said dispute is redressed by the Grievance Redressal Forum, the WBSEDCL shall not disconnect the electricity supply of the petitioner on the ground of non-payment of the amount regarding which the dispute is raised, subject to the petitioner going on paying the current electricity charges regularly in terms of the current bills raised by the WBSEDCL.
- 9.** However, in the event the petitioner does not prefer such complaint about the billing dispute before the concerned GRO within a fortnight from date, the above order shall automatically stand vacated and it will be open to the WBSEDCL to take appropriate action in terms of law for non-payment by the petitioner of the bills raised by the WBSEDCL.
- 10.** There will be no order as to costs.
- 11.** 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.)