

AD-08
Ct No.09
04.01.2023
TN

WPA No. 27246 of 2022

SAJ Food Products Private Ltd. and another
Vs.
The West Bengal State Electricity Distribution
Company Limited and others

Mr. Sayan Sinha,
Mr. Rishabh Dutta Gupta,
Mr. Adil Naser

.... for the petitioners

Dr. Madhusudan Saha Roy

.... for the WBSEDCL

Learned counsel for the petitioners contends that the electricity meter catering to the electricity supply of the petitioners went defunct. Such fault was detected upon inspection on December 30, 2021.

Subsequently, however, the same could not be replaced due to lack of necessary spare parts/replacement meters.

Accordingly, the meter was ultimately repaired on March 07, 2022. It is contended that the West Bengal State Electricity Distribution Company Limited (WBSEDCL), based on the average consumption of the petitioners for the past three months before the meter was detected to be faulty, raised a bill.

When the petitioners raised an objection thereto, the concerned official of the WBSEDCL, that

is, the Chief Engineer, Commercial categorically refused to alter the bill raised by placing reliance on Clause 3.6 of Regulation No.55 of the West Bengal Electricity Regulatory Commission (WBERC).

As such, it is argued that the petitioners be permitted to produce the appropriate documents relating to actual consumption during the period-in-question for the purpose of a re-assessment of the bill amount.

Learned counsel appearing for the Distribution Licensee places reliance on Clause 3.5 of Regulation 55 and indicates that in case there is any dispute in respect of the billed amount (for defective meters as well), the consumer may lodge a complaint with the Grievance Redressal Officer (GRO) or the Central Grievance Redressal Officer (CGRO) of the licensee and thereafter to the Ombudsman in appeal against the order of the GRO or CGRO, as the case may be.

In the present case, it is submitted that the CGRO is the competent authority to decide the dispute raised by the petitioners.

Since the disputed question involves adjudication on facts as well as law, the matter ought to be relegated to the appropriate authority for taking a decision on the same. A further relegation to the Chief Engineer, Commercial would be a futile exercise,

since the Chief Engineer, Commercial has already expressed his opinion vide communication dated September 08, 2022 at page-88 (Annexure - P13) of the writ petition by refusing to reconsider the bill raised.

As such, the appropriate remedy of the petitioners lies before the CGRO.

Accordingly, WPA No. 27246 of 2022 is disposed of by granting the petitioners liberty to approach the concerned Chief Grievance Redressal Officer with the disputes raised in the present writ petition. If so approached, the CGRO shall decide the issues involved in accordance with law and upon giving adequate opportunity of hearing to the petitioners and to the Distribution Licensee and all concerned as expeditiously as possible, positively within eight weeks from the date of the reference being made to the CGRO.

It is made clear that this court has not gone into the merits of the respective allegations and counter-allegations made by the parties between themselves in the present writ petition.

Since no affidavits have been invited, it is deemed that the allegations made in the writ petition are denied by the respondents.

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.)