

D/L. 25.
March 6, 2024.
MNS.

WPA No. 3165 of 2024

Smt. Sumita Saha
Vs.
West Bengal State Electricity Distribution
Company Limited and others

Mrs. Reshmi Ghosh,
Mr. Pushan Majumdar

... for the petitioner.

Dr. Madhusudan Saha Roy

...for the WBSEDCL.

1. Even on a primary reading of the impugned order passed by the concerned Regional Grievance Redressal Officer (RGRO), it is evident that several components of the challenge require a detailed factual enquiry into the matters in issue, alongwith an appreciation of the impugned order on its merits.
2. Under the extant Regulations of the West Bengal Electricity Regulatory Commission (WBERC), the Ombudsman is the appellate authority where a challenge to an order of the RGRO is to be preferred.
3. Although learned counsel for the petitioner submits that availability of an alternative

remedy is not an absolute bar, with which this Court absolutely agrees, in view of the involvement of several disputed questions of fact, the Court chooses to exercise self-imposed restriction in relegating the matter to the appropriate appellate authority, that is, the Ombudsman.

4. Moreover, since a challenge against the Ombudsman's order may lie before this Court under appropriate circumstances, the parties will be losing a forum unnecessarily if the present challenge is entertained and ultimately if it is found that the detailed enquiry is required, which again will culminate in a wastage of time and ultimate relegation of the matter to the Ombudsman.
5. To avoid such a futile exercise, WPA No. 3165 of 2024 is disposed of with liberty to the petitioner to prefer the self-same challenge before the Ombudsman, who is the appellate authority against the impugned order of the RGRO.
6. This court has not gone into the merits of the case and it will be open to the Ombudsman to decide the same independently, if so approached by the petitioner.

7. Since no affidavits have been invited, the allegations made in the writ petition are deemed not to be admitted by the respondents.
8. There will be no order as to costs.
9. 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.)