

AD-27
Ct No.09
21.05.2024
TN

WPA No. 13769 of 2024

Biswadip Sain
Vs.
State of West Bengal and others

Mr. Soumalya Ganguli

.... for the petitioner

Ms. Jayeeta Sinha,
Mr. Sandip Mandal

.... for the State

Mr. Asif Dewan

.... for the WBSEDCL

1. Learned counsel for the petitioner submits that the petitioner approached the civil court challenging the overbilling by the West Bengal State Electricity Distribution Company Limited (WBSEDCL) upon which a decree was passed in the said suit bearing Title Suit No. 57 of 2019 on August 18, 2022, whereby it was directed that the total amount of electricity bill for the month of March, 2019 dated March 01, 2019 issued by the WBSEDCL was arbitrary and not binding upon the plaintiff/petitioner and the petitioner was directed to pay only 30 per cent thereof. It is pointed out that it was also observed by the civil court that the WBSEDCL was to change the defective meter.
2. It is argued that although the meter might have been changed in the meantime, the WBSEDCL has sent an exorbitant bill to the petitioner, charging at such higher

rates for the relevant period prior to replacement of the faulty meter, which is required to be set aside.

3. Learned counsel appearing for the WBSEDCL points out that the decree of the civil court pertained only to the bill of March, 2019 whereas the WBSEDCL by the letter dated June 21, 2023, annexed at page-19 of the writ petition, itself insisted that 30 per cent of the said bill be paid by the petitioner. It is, however, argued that no other bill for the period prior to the alteration of the meter was directed to be altered or quashed by the civil court. As such, the impugned bill has been legitimately raised by the WBSEDCL, including the outstanding dues for the entire relevant period apart from that in respect of the bill for the month of March, 2019.
4. Upon hearing learned counsel, what is transparent is that the civil court's decree pertained only to the month of March, 2019 and the bill raised therefor on March 01, 2019. Since the WBSEDCL does not press for payment by the petitioner of anything above 30 per cent for the said month, as directed by the civil court, there cannot be any qualms on such ground.
5. However, the WBSEDCL is justified in pointing out that the civil court did not adjudicate regarding the bills raised prior to the period of passing the decree in August, 2022 for the other months and, as such, there is no legal bar for the WBSEDCL charging such

outstanding amounts for the other months during the said period.

6. Insofar as the faulty meter is concerned, the same was replaced in the year 2023.
7. Since the petitioner has raised billing disputes regarding the outstanding amounts regarding the other periods than that dealt with by the civil court, it cannot be said that the WBSEDCL did not have any authority in law to raise such outstanding bills. However, if the petitioner has any grievance regarding the quantum of the outstanding amounts or the bills raised thereafter, it is open to the petitioner to approach the concerned Grievance Redressal Officer (GRO) under the extant Regulations for resolution of such disputes.
8. It is not for the writ court to enter into such factual disputes, which requires materials to be assessed, for which an equally efficacious alternative remedy is provided under the law.
9. Accordingly, WPA No. 13769 of 2024 is disposed of by keeping on record the written instruction filed by the WBSEDCL and granting liberty to the petitioner to approach the concerned GRO for resolution of the disputes regarding the alleged overbilling as raised in the present writ petition. If so approached, the GRO shall act in accordance with law and upon giving adequate opportunity of hearing to all concerned, decide such issues as expeditiously as possible,

preferably within June 30, 2024, subject to such approach being made within a week from date.

10. The learned Advocate for the WBSEDCL shall hand over a copy of the written instruction filed today to his counterpart appearing for the petitioner during the course of the day.
11. There will be no order as to costs.
12. 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.)