

29.07.2024
Sl. No. 267
g.b./Swa.M
Court No.09

WPA 14698 of 2024

Shibendra Nath Laha
-Vs-
State of West Bengal State & Ors.

Md. Navroz Rahber
Md. Jawwad
Ms. Maariyan Islam
.....For the Petitioner
Mr. Dr. Madhusudan Saha Ray
.....For the WBSEDCL
Mr. Ansar Mandal, Ld. AGP
Mr. Sougata Mitra
For the State

The petitioner has raised a billing dispute in this writ petition. The petitioner has not approached the appropriate authority in accordance with law. The petitioner submits that the claim of Rs.5,03,606/- towards energy charges from March, 2024 to May, 2024 was irregular and exorbitant. The petitioner approached the authorities but they did not revise the bill. Hence the writ petition.

Regulation 3.5.1 of WBERC 55 provides as follows:

“3.5.1 In case there is any dispute in respect of the billed amount, the consumer may lodge a complaint with the Grievance Redressal Officer or the Central Grievance Redressal Officer of the licensee and thereafter to the Ombudsman in appeal against the order of the Grievance Redressal Officer or the Central Grievance Redressal Officer, if the consumer is aggrieved by the order of the Grievance Redressal Officer or the Central Grievance Redressal Officer, in accordance with the provisions of the concerned Regulations. In such a case, the aggrieved consumer, pending disposal of the dispute, may, under protest, pay the lesser amount out of the following two options:-

(i) An amount equal to the sum claimed from him in the disputed bill, or

(ii) An amount equal to the electricity charges due from him for each month calculated on the basis of average charge for electricity paid by him during the preceding six months,

The amount so calculated provisional as per clause (ii) above by the licensee and tendered by the consumer shall be accepted by the licensee against that bill on provisional basis.”

Under such circumstances, the proper remedy of the petitioner would be to approach the concerned Grievance Redressal Officer in accordance with law. Needless to mention, the petitioner will pay the current bill and the same will be accepted. The authorities submit that the meter reader had not taken down the meter reading properly and as such the correct consumption was not recorded.

This court finds that it is not the petitioner’s fault that the correct meter reading had not been taken. Thus, the supply line shall not be disconnected for non payment of Rs.5,03,606/- till the dispute is decided in accordance with regulation 3.5.1 or until further orders that may be passed by the concerned Grievance Redressal Officer. The petitioner shall approach the authority within two weeks from date. In case of default in payment of the current dues, which the authority shall raise on the basis of the reading recorded in the 3 phase meter, the authority can take steps in accordance with law.

The writ petition being WPA 14698 of 2024 is disposed of. All parties are to act on the basis of a server copy of this order.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties expeditiously after completion of all necessary formalities.

(Shampa Sarkar, J.)

