

24th June, 2024
(D/L No.27)
Ct. No.9
(SKB)

W.P.A.18895 of 2023

Triveni Devi Bhalotia College
Versus
The WBSEDCL and others

Mr. Sharanya Chatterjee
... for the petitioner.

Mr. Debjit Mukherjee
... for the WBSEDCL.

1. The affidavit of service filed in court today is taken on record.
2. The petitioner is aggrieved by an order passed by the Regional Grievance Redressal Officer, (RGRO), Paschim Burdwan Regional Office, WBSEDCL. By the said order, the outstanding sum claimed by the WBSEDCL was upheld.
3. The petitioner was directed to pay the money. The limitation of the two years was held not to be applicable in this case. The RGRO relied on decisions of the Hon'ble Apex Court, *inter alia*, to hold that the provision of Section 56(2) of the Electricity Act, 2003 would not be applicable in a case when the charges could not be claimed either due to mistake or *bona fide* error, on the part of the authority.
4. It was also found that in the bills which were served upon the petitioner by raising the current demands, the outstanding dues had been mentioned.

5. The order impugned is a reasoned one.
6. The submissions of the parties have been recorded.
7. The questions which were put to the petitioner as also the representative of the Distribution Company, have been elaborately discussed. The effect of Section 56(2) of the Electricity Act, 2003 has also been discussed.
8. The case laws have been dealt with and the findings of the challenge meter which was installed pursuant to the direction of the authority, in order to ascertain the actual alleged consumption per day, was also discussed in detail.
9. Upon consideration of all the above issues, the RGRO came to a decision that the units which were consumed had not been charged and thus, they were claimed later. The average consumptions justified the calculation and the mistake of the meter reader to record the correct units consumed was a *bona fide* error, for which the WBSIEDCL could not be blamed.
10. The writ petition cannot be entertained at this stage. The correctness of the order shall be decided by the Ombudsman and the petitioner is at liberty to challenge the said order before the Ombudsman in accordance with law.
11. The delay in pursuing the remedy before the Ombudsman, shall be condoned as the petitioner was pursuing his remedy before the High Court.

12. The entire exercise shall be completed within a period of three months from the date of communication of this order.
13. There shall be no order as to costs.
14. Parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)