

AD-07
Ct No.09
23.04.2024
TN

WPA No. 23935 of 2023

Kanika Mondal
Vs.
The West Bengal State Electricity Distribution Company
Ltd. and others

Mr. Bhagbat Chaudhuri,
Mr. M.A. Zinna

.... for the petitioner

Mr. Debjit Mukherjee

.... for the WBSEDCL

- 1.** The present challenge has been preferred against an order passed by the Ombudsman rejecting the petitioner's challenge against an order passed by the Regional Grievance Redressal Officer (RGRO) only on the ground of limitation. Learned counsel for the petitioner points out that the order of the RGRO was signed and communicated to the petitioner only on November 23, 2022. The limitation, it is submitted, is twenty working days from the date of the order.
- 2.** The application was presented before the Ombudsman on December 23, 2022 and, as such, the same was not time-barred.
- 3.** Heard learned counsel for the parties.
- 4.** Although learned counsel for the West Bengal State Electricity Distribution Company Limited (WBSEDCL) seeks to support the order of the RGRO on merits, it is beyond the scope of the writ court at this stage and will

be premature for the writ court to enter into the merits in view of the order proposed.

5. In view of the order having been signed by the RGRO on November 23, 2022 only, it is evident that the application was presented before the Ombudsman within time. In fact, even if there was a marginal delay, the Ombudsman ought to have given an opportunity to the petitioner to explain the delay and decide on the merits of the challenge.
6. Be that as it may, instead of wasting further time in directing the Ombudsman to consider whether there was any delay, even if there was any such miniscule delay, the better course for both the parties would be to direct the Ombudsman to re-adjudicate the issue on merits and come to a finding as early as possible.
7. Accordingly, WPA No. 23935 of 2023 is disposed of by setting aside the impugned rejection of the Ombudsman dated January 02, 2023 and directing the Ombudsman to re-decide the challenge preferred by the petitioner against the order of the RGRO on merits in accordance with law upon affording opportunity of hearing to all concerned, preferably within two months from the date of communication of this order to the Ombudsman.
8. There shall not be any disconnection of the petitioner's electricity supply on the ground of non-payment of the disputed amount till adjudication of the matter by the Ombudsman.

9. The above *ad hoc* restraint shall be subject to the outcome of the Ombudsman's consideration.
10. It is made clear, however, that nothing in this order shall preclude the WBSEDCL from taking appropriate steps in accordance with law in the event the current bills, minus the outstanding disputed amount, are not paid by the petitioner in the meantime.
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.)