

AD-12
Ct No.09
22.04.2024
TN

WPA No. 25425 of 2023

Parbati Mandal
Vs.
The West Bengal State Electricity Distribution Company
Ltd. and others

Mr. Bhagabat Chowdhury,
Mr. S. Auddy,
Mr. M. Chatterjee

.... for the petitioner

Mr. Debjit Mukherjee

.... for the WBSEDCL

1. Learned counsel for the petitioner contends that the petitioner's husband was the original consumer of electricity, used for running a submersible pump. Subsequent to his demise, the petitioner was sent exorbitant electricity bills for operating the submersible pump-in-question. The petitioner approached the concerned Grievance Redressal Officer (GRO) who decided the issue on merits against the petitioner without any demur as to the petitioner not having *locus standi*. Subsequently when the petitioner approached the Ombudsman challenging the order of the GRO, the Ombudsman dismissed the same only on the ground of lack of *locus standi* of the petitioner since the petitioner was not the consumer.
2. Learned counsel for the West Bengal State Electricity Distribution Company Limited (WBSEDCL) reiterates such objection and submits that the petitioner was never the consumer and, as such, does not have *locus*

standi to prefer the present challenge or the challenge before the Ombudsman or the GRO.

3. As the turn of events goes, it is evident that the petitioner submits that her husband met his demise prior to the matter being decided by the GRO.
4. Thus, since the point was never taken before the GRO, who decided the dispute on merits, it would be atrocious for the Ombudsman to reject the prayer of the petitioner when the petitioner challenged the order of the GRO, on the ground of *locus standi*. However, to regularize things, it would only be appropriate if the petitioner applies for transferring the meter in her name subject to payment of due charges for the same.
5. Simultaneously with such transfer, the Ombudsman should also re-decide the issues involved on merits by deeming that the petitioner has *locus standi* to prefer the challenge.
6. In view of the above observations, WPA No. 25425 of 2023 is disposed of by directing the petitioner to apply for transfer in her name the concerned electricity connection standing in the name of the deceased husband of the petitioner within a week from date. Immediately thereafter and upon the petitioner complying with due formalities by paying the necessary transfer charges the WBSEDCL, without insisting upon the petitioner paying the disputed amount of outstanding dues, effect such transfer in the name of the petitioner on an *ad hoc* basis subject to the outcome

of the adjudication before the Ombudsman regarding such disputed amount.

- 7.** Simultaneously with such process, the Ombudsman shall also re-adjudicate the challenge of the petitioner against the order of the GRO, positively within four weeks from the date of communication of this order to the Ombudsman, by acting on a server copy of this order.
- 8.** This court has not entered into the merits of the issues taken up by the petitioner in such challenge and those will be decided independently and in accordance with law, upon giving adequate opportunity of hearing to all concerned, by the Ombudsman, within the time-frame as stipulated above.
- 9.** It is further reiterated that the transfer of the name in favour of the petitioner is only for the time being, subject to the outcome of the decision by the Ombudsman and payment of further dues as per the decision of the Ombudsman.
- 10.** There will be no order as to costs.
- 11.** 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.)