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IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

W.P.A. No. 26295 of 2023

Mominul Haque
Vs.
The West Bengal State Electricity
Distribution Company Ltd. & Ors.

Mr. Bhagbat Chaudhury,
Mr. Monojit Chatterjee,
Mr. Subrata Mukherjee
...for the petitioner

Mr. Srijan Nayak,
Ms. Rituparna Maitra
...for the WBSEDCL

1. Learned counsel for the petitioner challenges an order passed by the Ombudsman in a challenge preferred by the petitioner against an order of the G.R.O. (Grievance Redressal Officer), where the petitioner challenged the allegedly exorbitant amount of the bill raised by the WBSEDCL (West Bengal State Electricity Distribution Company Limited). Learned counsel points out from the relevant bill, annexed at page 29 of the writ petition, where a huge hike in the regular charges is found, without any reflection as to the exact period for which such outstanding dues were shown.

2. The order of the Ombudsman proceeds on the premise that there was a mistake in the meter reading. The Ombudsman, however, glosses over the issue of the period for which the outstanding bill was raised, which was never disclosed in the bill itself by the WBSEDCL.

3. Learned counsel for the petitioner is justified in arguing that in the event the bills were raised after a period of two years from the date when the amount became first due, the WBSEDCL is debarred under Section 56(2) of the Electricity Act, 2003 from taking the coercive measure of disconnection of the electricity supply of the petitioner without the amounts having been disclosed all along in the bills.

4. In the present case, there is no previous reflection of the outstanding amounts in any prior bill. Since the WBSEDCL failed to disclose the exact period for which the outstanding amounts have accrued, even if the allegation as to faulty meter reading was justified, it is doubtful as to whether the WBSEDCL can resort to disconnection, since the outstanding dues might very well have been for a period beyond the period of the preceding two years. In the absence of such disclosure, the subsequent bill is vitiated due to lack of sufficient particulars. Hence, the Ombudsman as well as the

G.R.O. acted palpably without jurisdiction in affirming the said bill and turning down the challenge of the petitioner.

5. Accordingly, W.P.A. No. 26295 of 2023 is allowed, thereby setting aside the order of the Ombudsman as well as the G.R.O. as well as quashing the impugned bill dated January 24, 2022, annexed at page 29 of the writ petition.

6. The WBSEDCL, however, shall be at liberty to raise a fresh bill for the outstanding amount, if due from the petitioner, clearly disclosing the exact periods and months for which such outstanding amount was due.

7. Upon such bill being raised, in the event the petitioner is aggrieved therewith, it will be open to the petitioner to approach the G.R.O. afresh with a challenge against the same.

8. If so approached, the G.R.O. shall decide the issue afresh without being prejudiced in any manner by the previous observations made by the G.R.O, the Ombudsman or this court.

9. There will be no order as to costs.

10. Urgent photostat certified copies of this order, if applied for, be made available to the parties upon compliance of all necessary formalities.

(Sabyasachi Bhattacharyya, J.)