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IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

W.P.A. No. 26309 of 2023

Asadujjaman Sk.
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. The petitioner has challenged the order of the Ombudsman whereby the Ombudsman has dismissed a challenge of the petitioner on the ground of repeated absence of the petitioner.
2. The facts are that the petitioner was aggrieved with an exorbitant bill raised by the West Bengal State Electricity Distribution Company Limited (WBSEDCL), which, in the perception of the petitioner, was not justified.
3. The petitioner approached the G.R.O. (Grievance Redressal Officer). Failing there, the petitioner took the challenge before the Ombudsman but due to his absence on two

repeated occasions, the Ombudsman dismissed the matter for default.

4. Learned counsel for the WBSEDCL submits that in view of the conduct of the petitioner, the Ombudsman did not have be opportunity to decide the matter on merits.

5. Although the Ombudsman could not be said to have erred in law, since petitioner repeatedly chose to remain absent, for the ends of justice, the Ombudsman ought to have taken a more lenient view and give another opportunity to the petitioner to present his case.

6. Accordingly, W.P.A. No. 26309 of 2023 is disposed of by setting aside the impugned order of the Ombudsman dated April 20, 2023 and directing the Ombudsman to give a fresh opportunity of hearing to the petitioner and the WBSEDCL and, thereafter, to adjudicate the petitioner's challenge on merits afresh in accordance with law.

7. It is, however, made clear that if the petitioner remains absent on the date next fixed by the Ombudsman (upon prior notice to the petitioner), it will be open to the Ombudsman to take appropriate steps on the challenge of the petitioner.

8. There will be no order as to costs.

9. 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.)