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IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

W.P.A. No. 26676 of 2023

Dinesh Kumar Goyal
Vs.
West Bengal State Electricity
Distribution Co. Ltd. & Ors.

Ms. Sutapa Roychoudhury,
Ms. Aratrika Roy
...for the petitioner

Mr. Asif Dewan
...for the Distribution Licensee

1. Learned counsel for the petitioner contends that the impugned electricity bill annexed at page 57 of the writ petition is *ex facie* faulty. It is argued that the reading in the said meter is admittedly on an estimated basis and it is reflected from the bill that the normal meter was replaced.

2. It is also stated in the said bill that the original meter “seems” defective and was replaced. The entire exercise, if at all, was done behind the back of the petitioner and without any notice to the petitioner regarding such replacement. It is argued that the entire exercise preceding the raising of the said bill is faulty and the bill ought to be set aside.

3. Learned counsel appearing for the West Bengal State Electricity Distribution Company Limited (WBSEDCL) argues that there is no compulsion on

the Distribution Licensee to give a prior notice to the consumer before replacing a faulty meter. However, it is true that there is nothing on record to indicate that any notice was given to the petitioner before such replacement.

4. It is obvious that unless a prior notice is given to the concerned consumer before alleging that the meter was faulty and raising estimated bill, the consumer would not have any scope to deal with such allegation on the part of the Licensee. In any event, since the impugned bill is exorbitant as compared to previous bills and due to the lack of transparency in the bill itself, it would only be appropriate if the concerned Grievance Redressal Officer (G.R.O.), as per the extant Regulations, decides the issue in accordance with law.

5. Hence, W.P.A. No. 26676 of 2023 is disposed of by granting liberty to the petitioner to approach the concerned G.R.O. having jurisdiction to decide the billing dispute as to electricity charges raised in the present writ petition within a week from date.

6. If such an approach is made, the concerned G.R.O. shall decide the issue in accordance with law after giving adequate opportunity of hearing to all concerned, including the petitioner and the WBSEDCL, at the earliest, preferably within six

weeks from the date of such approach being made by the petitioner.

7. Till a decision is arrived at by the G.R.O. on such dispute, the WBSEDCL shall not disconnect the electricity supply of the petitioner on account of non-payment of the amounts raised by way of the disputed bill, which has been impugned herein.

8. However, it is made clear that the petitioner shall go on paying current electricity charges in accordance with bills raised hereinafter by the WBSEDCL in the interregnum, which will be raised by the WBSEDCL for current charges only without adding the alleged dues in terms of the impugned bill.

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.)