

23
15-05-2025
AKG
Ct. 15

WPA 6377 of 2025
Sri Sujay Barik @ Sujak Kumar Barik
Vs.
The West Bengal State Electricity Distribution Company Limited (WBSEDCL) & Ors.

Mr. Saibal Acharyya,
Mr. Pradip Paul,
Ms. Renesa Dey

...for the Petitioner

Mr. Srijan Nayak,
Ms. Rituparna Maitra

...for WBSEDCL

The petitioner approached the concerned Regional Grievance Redressal Officer, Paschim Medinipur Region, seeking a refund of an allegedly excess amount charged for the provision of a temporary electricity connection for agricultural purposes. By a communication dated November 24, 2022, the said officer rejected the petitioner's claim.

The petitioner subsequently preferred an appeal before the Ombudsman. By an order dated June 21, 2023, the Ombudsman upheld the decision of the Regional Grievance Redressal Officer and dismissed the appeal.

The Ombudsman recorded that the petitioner had applied for temporary unmetered STW (Shallow Tube Well) connections for the years 2006-07, 2007-08, 2008-09, 2009-10, and 2010-11. Thereafter, in 2020, the petitioner applied to the Sabang Customer Care Centre seeking a refund of the alleged excess amount and approached the Regional Grievance Redressal Officer. The latter rejected the claim on the ground of limitation. The Ombudsman observed

that the cause of action arose in 2006 and continued until 2014, while the petitioner first raised the demand in 2017 and thereafter in 2019. Then again approached the Grievance Redressal Officer three years later. Consequently, the claim was held to be time-barred in terms of Notification No. 56/WBERC, Clause 6.1, which prescribes a limitation period of 90 days.

The issue of limitation in similar matters has already been addressed by Coordinate Benches of this Court.

Mr. Saibal Acharyya, learned counsel appearing for the petitioner, places reliance on the judgment dated August 27, 2024, passed in WPA 20729 of 2023 (West Bengal State Electricity Distribution Company Limited vs. Sri Shukdeb Chaulya & Ors.), and the order dated April 9, 2024, passed in WPA 6591 of 2024 (Kshudiram Bera vs. The West Bengal State Electricity Distribution Company Limited & Ors.), among other writ petitions.

In both cases, learned Single Judges of this Court held that the limitation provided under Clause 6.1 of Regulation 56 is not absolute and is capable of being relaxed. In ***Kshudiram Bera*** case, the learned Single Judge disposed of the writ petition by granting liberty to the petitioners to file fresh applications explaining the delay in approaching the Grievance Redressal Officer. The officers concerned were directed to determine whether sufficient cause for the delay had been demonstrated.

Following the same reasoning, I am of the view that the present writ petition should be disposed of in similar terms.

Accordingly, the communication dated November 24, 2022, issued by the Regional Grievance Redressal Officer, Paschim Medinipur Region, as well as the final order dated June 21, 2023, passed by the Ombudsman, are set aside.

The petitioner is granted liberty to approach the concerned Grievance Redressal Officer afresh, by submitting a reasoned application explaining the delay. Upon receipt of such application, the Grievance Redressal Officer shall determine whether sufficient cause has been shown for the delay, after affording an opportunity of hearing to the petitioner.

If the officer is satisfied that the petitioner has shown sufficient cause for the belated approach, the delay shall be condoned, and the petitioner's claim shall be decided on its merits.

Let the above exercise be completed within a period of two months from the date of submission of the application by the petitioner.

Accordingly, **WPA 6377 of 2025** is disposed of.

Urgent certified *website* copies of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

(Kausik Chanda, J.)