

19.11.2025.
Item No. 4.
Court No. 13
ap

M.A.T. No. 1175 of 2022
With
I.A. No. CAN 1 of 2022
And
I.A. No. CAN 2 of 2022

West Bengal State Electricity Distribution Company
Limited
Versus
Sukanta Kumar Singha & Anr.

Mr. Srijan Nayak,
Mrs. Rituparna Moitra.

...For the appellant.

Re: CAN 1 of 2022 (Condonation of delay)

1. This is an application filed under Section 5 of the Limitation Act, 1963 for condonation of delay of about 170 days in filing the instant appeal.
2. Having heard the learned Advocate appearing on behalf of the appellant as also considering the statements made in the said application, this Court is satisfied with the grounds indicated therein, as sufficiently explaining delay of 170 days in preferring the appeal.
3. In view of the above, the application for condonation of delay being CAN 1 of 2022 is allowed and disposed of.
4. There will be no order as to costs.

Re: M.A.T. 1175 of 2022

5. Affidavit-of-service filed in Court today be taken on record.

6. The instant intra court appeal is directed against the order dated 4th February, 2022 passed by a learned Single Judge of this Court in W.P.A. 868 of 2022.

7. The writ petition was filed by the licensee challenging an order of the Electricity Ombudsman under Regulation 56 of the West Bengal Electricity Regulatory Commission (Guidelines for Establishment of Forum for Redressal of Grievances of Consumers and Time and Manner of Dealing with such Grievances by the Ombudsman) Regulations, 2013.

8. The consumer, aggrieved by the disconnection notice and silence of the Grievance Redressal Officer to about 200 electronic mails, had approached the Ombudsman, under the aforesaid Regulations.

9. The Ombudsman went on to award compensation to the consumer Rs.1,21,400/-. The Ombudsman deducted a sum of 80 paise of the daily consumption. The total compensation without deduction would have come to Rs.6,07,000/-.

10. The learned Single Judge in exercise of the discretion conferred under Article 226 of the Constitution of India has upheld the order of the Ombudsman but reversed the deduction made by him.

11. The Ombudsman is a person, who duly authorized under the Statute and the Rules framed thereunder to settle the grievances of the consumers against a large State bodies or Authority.

12. The very object and purpose of the institution of Ombudsman is to take a fair and equitable view of a grievance raised by the consumer against large State Authorities.

13. The procedure to be followed by the Ombudsman is only to ensure basic principles of natural justice. Detailed procedure and hearing are not contemplated under the disputes settlement mechanism of an Ombudsman.

14. In the backdrop of the above, the hyper technical issues raised by the licensee have been rightly rejected by the learned Single Judge of this Court.

15. This Court, however, notes that the Ombudsman having found omission both on the part of the consumer as well as the licensee has in its discretion awarded the aforesaid sum of Rs.1,21,400/-

16. The learned Single Judge of this Court, therefore, ought not to have disturbed the same. To the aforesaid extent, this Court is inclined to interfere to the order of the learned Single Judge of this Court in awarding the full sum of Rs.6,07,000/- to the consumer when the Ombudsman himself after balancing equities has chosen to award a sum of Rs.1,21,400/- to the consumer.

17. In view of the above, this Court is inclined to partially modify the impugned order. The consumer shall be entitled to reliefs granted by the Ombudsman

only and not any higher amount as decided by the learned Single Judge of this Court. The order of the learned Single Judge of this Court shall modify accordingly.

18. It is expected that the payment as decided by the Ombudsman is made to the consumer, if not already made, within a period of ten days from date.

19. M.A.T. 1175 of 2022 shall stand disposed of.

20. In view of disposal of the appeal itself, the connected application being CAN 2 of 2022 shall also stand disposed of.

21. There will be no order as to costs.

22. All parties are directed to act on a server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)

(Ajay Kumar Gupta, J.)