

21-01-2025
Item No.295 ML
Subrata
Bhattacharyya
AR(C)

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
 Appellate Side

WPA No.21204 of 2024
Rahaman Seikh

-VS-

**The West Bengal State Electricity Distribution Company
Ltd. & Ors.**

Mr. Bhagbat Chaudhuri
Ms. Mallika Manna
Ms. Gopa Mainan ...for the petitioner

Mr. Debanjan Mukherjee ...for WBSEDCL

1. The petitioner is aggrieved by the order passed by the Ombudsman dated July 3, 2024 in rejecting his appeal against the order passed by the Regional Grievance Redressal Officer dated November 29, 2022.
2. Fact remains that the reasoned order was passed by the Regional Grievance Redressal Officer, Murshidabad Region, WBSEDCL on November 29, 2022 (at p. 33). Being dissatisfied with the same, the petitioner preferred an appeal before the Ombudsman on July 3, 2024 (Annexure P6, p.34). The Ombudsman dismissed the appeal on the ground that the same was filed beyond the stipulated statutory period.
3. Learned counsel representing WBSEDCL relies upon Clause 10.1 of the West Bengal Electricity Regulatory Commission (Guidelines for Establishment of Forum for Redressal of Grievances of the Consumers and Time and Manner of Dealing with such Grievances by the

Ombudsman) Regulations, 2013 which specifically mentions that a representation in duplicate to the Ombudsman normally should be filed by the aggrieved consumer within twenty working days from the date of receiving of the order from the Grievance Redressal Officer when the consumer is not satisfied with the same.

4. In the instant case, the order was passed by the Grievance Redressal Officer on November 29, 2022, but the petitioner preferred the representation before the Ombudsman on July 3, 2024 after delay of more than one and half years.
5. The petitioner, in support of his case, relies upon an order dated **June 28, 2024** passed by a coordinate Bench of this court in **WPA No.9002 of 2024 (Md. Imdadul Hoque v. West Bengal State Electricity Distribution Company Limited and others)** wherein the court was of the opinion that “there is no negative provision in the regulations, which bars acceptance of the grievance petition beyond the period prescribed by regulations. This court deems it fit to condone the delay in this case”.
6. The order relied upon by the petitioner does not mention the specifics of the subject case. The court was of the opinion that the writ court can extend the time for the Ombudsman to accept the grievance petition upon considering the fact that the petitioner is a laymen and he may not be conversant with the law.
7. In the instant writ petition, the petitioner has not disclosed the date of receiving of a copy of the reasoned order dated November 29, 2022. Documents annexed to the writ petition suggest that the reasoned order was put to post on the

same day. Apart from a bald allegation that the reasoned order was received 'long thereafter', there is no date mentioned with regard to the actual receiving of the same. There is also no reason mentioned explaining the delay in preferring the representation before the Ombudsman.

8. With such vague, non-descript allegation devoid of specifics, the court is not inclined to direct the Ombudsman to accept the representation which was filed by the petitioner more than one and half years after the said order was communicated to him.
9. The court does not think it to be a fit case where the delay in filing the representation before the Ombudsman can be condoned.
10. In view of the above, no relief can be given to the petitioner. The writ petition fails and is hereby dismissed.
11. Affidavit of service filed in court be taken on record.
12. All parties are to act on the server copy of this order duly downloaded from the official website of this court.
13. Certified copy of this order, if applied for, shall be made available to the parties.

[Amrita Sinha, J]

