

WPA 24252 of 2024

**Abdul Kayum Sk @ Ahkayum Seikh
Vs.
The West Bengal State Electricity Distribution
Company Ltd. & Ors.**

Mr. Biswajit De
Ms. Mallika Manna

... .. for the petitioner

Mr. Sujit Sankar Koley

... .. for the WBSEDCL

Learned counsel appearing for the petitioner submits an application dated 25th May, 2024, filed by the petitioner under Section 142 of the Electricity Act, 2003, but West Bengal Electricity Regulatory Commission without considering the application on merit and without giving an opportunity of hearing to the petitioner passed an order on 10th June, 2024.

Learned counsel further prays for quashing/setting aside the order for violation of natural justice.

Even after service, no one appears for the West Bengal Electricity Regulatory Commission.

Mr. Sujit Sankar Koley, learned counsel appearing for the WBSEDCL is present.

Heard learned counsel for both the parties.

The West Bengal Electricity Regulatory Commission chooses not to appear or to controvert the allegation made by the petitioner.

On a bare perusal of Section 142 of the Electricity Act, 2003, it is clear that if an application/complaint is made before an appropriate Commission, the appropriate Commission may after giving such person an opportunity of being heard in the matter, dispose of the same.

However, on perusal of the order dated 10th June, 2024 it is clear that no opportunity of hearing was granted to the petitioner and as such the order dated 10th June, 2024 is set aside. However, West Bengal Electricity Regulatory Commission is requested to consider the complaint of the petitioner and conclude the proceedings within 12 weeks from date after providing an opportunity of hearing to the petitioner and allowing the petitioner as well as the WBSEDCL to produce necessary documents at the time of hearing.

WPA 24252 of 2024 is disposed of.

There shall be no order as to costs.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajarshi Bharadwaj, J.)