

12.03.2025
Sl. No.41
akd

W. P. A. 28399 of 2024

[Debasish Bandhu -Vs- The West Bengal State Electricity Distribution Co. Ltd. & Ors.]

Mr. Biswajit De
Ms. Mallika Manna

... .. for the petitioner

Mr. Debjit Mukherjee

... .. for the WBSEDCL

1. Affidavit-of-service filed in court today be kept with the record.
2. The present writ petition has been instituted by the petitioner, aggrieved by the exorbitant electricity bill raised by the respondent- WBSEDCL in respect of the Consumer No. 516095092. The petitioner contends that despite seeking redressal his grievance remains unaddressed owing to his non-recognition as a consumer in the official records.
3. The learned Advocate for the respondent- WBSEDCL has placed reliance on clause 3.5.1 of the West Bengal Electricity Regulatory Commissions' notification dated 07.08.2013, submitting that the appropriate forum for redressal of such grievances is the Regional Grievance Redressal Officer (RGRO).
4. Learned counsel for the petitioner expressed his apprehension that the RGRO will not entertain his grievance on the ground that he is yet to be recognized as a consumer. It has been submitted that the petitioner, vide application dated 27.02.2024 has already approached the Station Manager, WBSEDCL, seeking substitution of his name in place of his deceased father, but the same is still pending.

5. Learned counsel for the petitioner has drawn attention of this Court to a judgment rendered by a co-ordinate bench in WPA 28122 of 2022 wherein a similar issue had arisen. In the said matter the Grievance Redressal Officer has refused to entertain the petitioner's claim on the pretext of his non-consumer status. However, this Hon'ble Court had in its wisdom directed the GRO to adjudicate the petitioner's grievance by observing as follows:

“During pendency of the transfer application by the petitioner, if filed, the petitioner shall be treated to be an "intending consumer", who ought to be necessarily deemed as a "consumer" as per the definition of the Electricity Act, 2003 for the limited purpose of preferring a dispute/challenge before the GRO against a bill raised in the name of the predecessor of the intending consumer, which was left outstanding and has to be cleared by the intending consumer prior to getting a new electricity connection or a transfer in his name.

The GRO concerned shall revive the dispute raised by the petitioner with regard to the bill and revisit the same and decide the issue on merits upon giving opportunity of hearing to the petitioner within four weeks from the date of this order”,

6. In the instant case as well, the dispute is regarding the exorbitant bill being raised by WBSEDCL. The apprehension of the petitioner is that his grievance will not be addressed by

the RGRO since he has not become a consumer and his application for transfer is still pending.

7. In light of the earlier directions passed by the coordinate bench in WPA 28122 of 2022, it is deemed appropriate to direct the Respondents to:

(a) Provisionally accept the petitioner's application for transfer on an ad-hoc basis, subject to the outcome of any challenge before the Grievance Redressal Officer (GRO) or any appeal preferred against the same.

(b) During the pendency of the transfer application submitted by the petitioner, he shall be treated as a "intended consumer" within the meaning of the Electricity Act, 2003, for the limited purpose of raising a dispute or challenge before the GRO regarding the outstanding electricity bill issued in the name of his deceased predecessor of the intending consumer.

(c) The said outstanding bills are required to be discharged by the intending consumer prior to obtaining either a fresh electricity connection or the transfer of the existing connection in his name.

8. Accordingly, this Court gives liberty to the petitioner to file his grievance before the RGRO within a period of two weeks from the date of this order. Consequently, the petitioner shall not be denied the opportunity of being heard solely on the ground of his non-consumer status. The RGRO shall without delay entertain and adjudicate upon the grievance in accordance with law.

9. With the aforesaid directions, the writ petition is disposed of.
10. There shall be no order as to costs.
11. Let urgent Photostat certified copy of this order, if applied for, be supplied to the parties on usual undertaking.

(Gaurang Kanth, J.)