

D/L.13.
April 09, 2026.
KAUSHIK

WPA No. 32096 of 2014

WBSEDCL
Vs.
Afroja Bibi & Ors.

Mr. Srijan Nayak
Ms. Rituparna Maitra
... for the petitioner

Mr. Raja Saha
Mr. Sanjay Mukherjee
... for the State

The grievance of the petitioner is directed against an order dated 6th June, 2014 passed by the Ombudsman granting compensation against the petitioner on the ground of alleged delay in issuing a quotation. The period of delay has been calculated from 26th July, 2013 to 17th September, 2013. The rate of delay has been assessed at Rs.500/- per day.

It is submitted on behalf of the petitioner that the impugned order passed by the Ombudsman is in violation of the principles of natural justice and without taking note of the fact that the 2000 Regulations had been amended by the Regulation 57 w.e.f. August, 2013. It is further submitted on behalf of the petitioner that the impugned order is also unreasoned. There has been no evidence, which has been adduced nor relied on in passing the impugned order and arrived at the conclusion of delay and consequential damages. It is also submitted on behalf of the petitioner that the procedure

culminating in passing of the impugned order has not been adhered to. It was obligatory on the Ombudsman to prepare a Draft Settlement Order after hearing the parties on merits. There has also been no hearing afforded to the petitioner before passing the impugned order.

On behalf of the Ombudsman, it is submitted that the concerned Regulations relied on by the petitioner have not been amended.

The impugned order proceeds without any evidence at all. There are also no reasons in the impugned order. There is nothing to demonstrate that a hearing was afforded to the petitioner or that the parties had an opportunity to make arguments or furnish written submissions. In such circumstances, on the ground of violation of the principles of natural justice, the impugned order is unsustainable and is set aside.

WPA 32096 of 2014 stands allowed.

The matter is remanded to the Ombudsman to hear the parties afresh and after giving them an adequate opportunity of hearing. It is made clear that there has been no adjudication on the merits of the case and all questions are left open to be decided by the Ombudsman in accordance with law.

(Ravi Krishan Kapur, J.)