



सत्यमेव जयते



ORDER
OF
WEST BENGAL ELECTRICITY REGULATORY COMMISSION

IN THE MATTER OF
SRI UTTAM KUMAR BHAKAT

- VS -

WEST BENGAL STATE ELECTRICITY DISTRIBUTION COMPANY LTD

CASE NO. COMP/314/WBSEDCL/14-15

IN RE COMPLAINTS OF SRI UTTAM KUMAR BHAKAT UNDER SECTION 142 OF THE ELECTRICITY ACT, 2003 FOR NON-COMPLIANCE WITH THE ORDER DATED 16.04.2014 ISSUED BY THE OFFICE OF THE OMBUDSMAN OF WEST BENGAL ELECTRICITY REGULATORY COMMISSION AND FORWARDED TO WEST BENGAL STATE ELECTRICITY DISTRIBUTION COMPANY LIMITED VIDE NO. OMBUD/W-737 AG/13/1604 DATED 17.04.2014.

PRESENT:

SRI R. N. SEN, CHAIRPERSON

SRI AMITAVA BISWAS, MEMBER

DATE: 25.01.2017

Order of the Commission regarding complaints of Sri Uttam Kumar Bhakat under section 142 of the Electricity Act, 2003 for non-compliance with the Order dated 16.04.2014 issued by the Office of the Ombudsman of the Commission and forwarded to West Bengal State Electricity Distribution Company Limited vide No. OMBUD/W-737 AG/13/1604 dated 17.04.2014

Noting by Office or Advocate	Sl. No.	Date	Office notes, reports orders or proceedings with signature
		25.01.2017	<p style="text-align: center;"><u>ORDER</u></p> <p>1.0 One Sri Uttam Kumar Bhakat, S/o Sri Rajeswar Prasad Bhakat, Vill.& PO: Pundi, P. S. Nabagram, Dist. Murshidabad, West Bengal, Pin 742228 (hereinafter referred to as the "complainant") submitted an application to the West Bengal Electricity Regulatory Commission (hereinafter referred to as the "Commission") dated 02.09.2014 stating, inter-alia, that the Ombudsman, West Bengal Electricity Regulatory Commission appointed under Section 42(6) of the Electricity Act, 2003 (hereinafter referred to as the "Act"), had in his settlement order dated 16.04.2014 issued directions to the West Bengal State Electricity Distribution Company Limited (in short "WBSEDCL") for payment of compensation to the complainant @ Rs. 500 per additional slab of 48 hours for 274 slabs from 4.10.2012 to 4.4.14 for delay in replacing the defective transformer amount to Rs. 1,37,000.00 and the same was forwarded to them vide letter no OMBUD/W-737 AG/13/1604 dated 17.04.2014 of the Office of the Ombudsman.</p> <p>The complainant has submitted vide his application that the Order dated 16.04.2014 of the Ombudsman has not been complied with by WBSEDCL.</p> <p>2.0 On perusal of the petition along with the documents submitted by the complainant, the Commission admitted the matter and decided to hear it. Accordingly, notices to both the complainant and WBSEDCL (the licensee) were served under no. WBERC/Comp/WBSEDCL/314/14-15/2041(1-2) dated the 04th January, 2017 intimating that the hearing would take place on 19.01.2017 at 11.30 hours at the office of the Commission.</p> <p>3.0 The Commission took up the hearing on 19.01.2017 as scheduled. Shri</p>

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			<p>D. Gupta, Chief Engineer, CRM Cell, WBSEDCL represented WBSEDCL in the hearing. Sri Bimal Kumar Bhakat, on behalf of Sri Uttam Kumar Bhakat, attended the hearing with due authorization.</p> <p>4.0 The representative of WBSEDCL submitted that the impugned order dated 16.04.2014 issued by the Ombudsman of WBERC has been challenged before the Hon'ble High Court at Calcutta and writ petition has not yet been disposed of by the Hon'ble High Court. Hence, he is unable to comment on the subject.</p> <p>5.0 After hearing both the parties, the Commission finds no reason to give any cognizance to the writ petition stated to have been filed by WBSEDCL before the Hon'ble High Court at Calcutta, since, the order of the Hon'ble Supreme Court has conclusively settled the issue raised in the SLP as referred to above. Moreover, the representative of WBSEDCL could not advance any valid point that constitutes the merit of the writ petition that has been filed before the Hon'ble High Court. Besides, it emerged that there is no stay order with regard to the implementation of the order of the Ombudsman.</p> <p>6.0 In view of above, the Commission directs WBSEDCL to make payment of Rs. 1,37,000.00 to the complainant, as ordered by Ombudsman, immediately, but not later than 10 days from the date of receipt of this order and send the compliance report to the Commission within 21 days from the date of compliance.</p> <p>7.0 With the above directions the matter is disposed of.</p> <p>8.0 Let a copy of this order be served upon Sri Uttam Kumar Bhakat and WBSEDCL.</p> <p>Sd/- (AMITAVA BISWAS) MEMBER</p> <p>Sd/- (R. N. SEN) CHAIRPERSON</p> <p>Dated : 25.01.2017</p>
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