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ORDER
OF
WEST BENGAL ELECTRICITY REGULATORY COMMISSION

IN THE MATTER OF
SRI KASHINATH SAMANTA

- VS -

WEST BENGAL STATE ELECTRICITY DISTRIBUTION COMPANY LTD

CASE NO. COMP/357/WBSEDCL/16-17

IN RE COMPLAINTS OF SRI KASHINATH SAMANTA UNDER SECTION 142 OF THE ELECTRICITY ACT, 2003 FOR NON-COMPLIANCE OF THE ORDER DATED 15.10.2015 OF THE OMBUDSMAN, WEST BENGAL ELECTRICITY REGULATORY COMMISSION AND FORWARDED TO WEST BENGAL STATE ELECTRICITY DISTRIBUTION COMPANY LIMITED VIDE NO. OMBUD/W-172 AKT/2015/2782 DATED 09.11.2015.

PRESENT:

SRI R. N. SEN, CHAIRPERSON

SRI AMITAVA BISWAS, MEMBER

DATE: 09.03.2017

Order of the Commission regarding complaints of Shri Kashinath Samanta under section 142 of the Electricity Act, 2003 for non-compliance with the Order dated 15.10.2015 issued by the Office of the Ombudsman of the Commission and forwarded to West Bengal State Electricity Distribution Company Limited vide No. OMBUD/W-172 AKT/2015/2782 dated 09.11.2015

Noting by Office or Advocate	Sl. No.	Date	Office notes, reports orders or proceedings with signature
		09.03.2017	<p style="text-align: center;"><u>ORDER</u></p> <p>1.0 One Shri Kashinath Samanta, S/o Late Kenaram Samanta, Vill. Barmadhabpur, P. O. Sijgeria, P. S. Debra, Dist. Paschim Medinipur, West Bengal, Pin 721139 (hereinafter referred to as the "complainant") submitted an application to the West Bengal Electricity Regulatory Commission (hereinafter referred to as the "Commission") dated 30.12.2016 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 15.10.2015 issued directions to the West Bengal State Electricity Distribution Company Limited (in short "WBSEDCL") as follows vide letter no OMBUD/W-172 AKT/2015/2782 dated 09.11.2015.</p> <p>Quote:</p> <ol style="list-style-type: none"> a) That the order of the Ld. RGRO dated 25.02.15 in GR No. 698 is to be set aside. b) That the OP, i.e., WBSEDCL (the licensee) shall regenerate the electricity bill during the period when the meter of the complainant was not functioning properly as per the provision of the Regulations of the WBERC on the basis of the approved tariff of the WBERC for the corresponding period allowing necessary tariff benefit. c) The complainant shall arrange for payment of the regenerated bill within a month from the date of receipt of the same, failing which the OP will be at liberty to take appropriate steps as per the relevant Regulations of the

			<p>WBERC.</p> <p style="text-align: right;">Unquote</p> <p>The complainant has submitted vide his aforesaid application that WBSEDCL has not yet complied with the order dated 15.10.2015 of the Ombudsman.</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 upon both the complainant and WBSEDCL (the licensee) were served under no. WBERC/Comp/WBSEDCL/357/16-17/2290-2291 dated the 22nd February, 2017 intimating that the hearing would take place on 06.03.2017 at 13.00 hours at the office of the Commission.</p> <p>3.0 The Commission took up the hearing on 06.03.2017 as scheduled. Smt. Uma Chakraborty, Chief Engineer, CRM Cell, WBSEDCL represented WBSEDCL in the hearing. The complainant along with his authorized representative Shri Moni Mahan Ghosh attended the hearing.</p> <p>4.0 The complainant submitted that the regenerated bill for the period from November 2014 to July, 2015, during the period when the meter was not functioning properly, as raised by the licensee, was much higher and the same was prepared without considering the average consumption of electricity during the preceding 6 months of the malfunctioning period as per the provision of Regulations. The complainant, therefore, had not paid the regenerated bill and instead requested the authorities concerned to regenerate bill afresh as per the provisions of the relevant Regulations. The complainant further submitted that since the said regenerated bill for the malfunctioning period was not paid by him, the licensee stopped accepting payment of the current bills. Under the circumstances, the complainant submitted prayer before the Commission to issue suitable</p>
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			<p>directions to the licensee to resolve the issue.</p> <p>5.0 The representative of WBSEDCL (the licensee) submitted that the electricity bill for the period from November, 2014 to July, 2015, when the meter was not functioning properly, was regenerated and issued to the complainant on 25.09.2015 as per approved tariff rate of the WBERC for the corresponding period allowing necessary tariff benefit, but the said bill has not yet been paid by the complainant as a result of which they are unable to accept the payment of the current bill.</p> <p>6.0 On being enquired by the Commission whether they have followed the provisions of the Regulations while regenerating the bill, the representative of the licensee could not give any answer.</p> <p>7.0 The Commission held that the bill may be regenerated manually considering the average consumption of electricity for six months before October, 2013 when the meter was detected to be defective. Both the licensee and the complainant agreed to it.</p> <p>8.0 In view of the above, the Commission directs the following:</p> <p>a) The licensee will withdraw the regenerated bill for the period from November, 2014 to July, 2015 issued to the complainant;</p> <p>b) The licensee will regenerate a bill afresh manually for the period from November, 2014 to July, 2015 considering the average consumption of electricity for a period of six months before October, 2013;</p> <p>c) The payment made by the complainant on adhoc basis during the period from November, 2014 to July, 2015 will be adjusted with the amount of the regenerated bill for the period from November, 2014 to July, 2015;</p> <p>d) The complainant will make payment of the fresh regenerated bill within one month from the date of receipt of the same;</p>
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Order of the Commission regarding complaints of Shri Kashinath Samanta under section 142 of the Electricity Act, 2003 for non-compliance with the Order dated 15.10.2015 issued by the Office of the Ombudsman of the Commission and forwarded to West Bengal State Electricity Distribution Company Limited vide No. OMBUD/W-172 AKT/2015/2782 dated 09.11.2015

			<p>e) In case the payment is not made within the stipulated time by the complainant, the licensee will be at liberty to take appropriate steps as per the relevant Regulations framed by the Commission.</p> <p>9.0 With the above directions, the petition is disposed of.</p> <p>10.0 Let a copy of this order be served upon Shri Kashinath Samanta and WBSEDCL.</p> <p style="text-align: center;">Sd/- (AMITAVA BISWAS) MEMBER</p> <p style="text-align: center;">Sd/- (R. N. SEN) CHAIRPERSON</p> <p>Dated : 09.03.2017</p>
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