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ORDER
OF
WEST BENGAL ELECTRICITY REGULATORY COMMISSION

IN THE MATTER OF
MD. MOHASIN MONDAL

- VS -

WEST BENGAL STATE ELECTRICITY DISTRIBUTION COMPANY LTD

CASE NO. COMP/WBSEDCL/330/15-16

FURTHER ORDER IN CONTINUATION OF EARLIER ORDER OF THE COMMISSION ISSUED ON 07.12.2015 REGARDING COMPLAINTS OF MD. MOHASIN MONDAL UNDER SECTION 142 OF THE ELECTRICITY ACT, 2003 FOR NON-COMPLIANCE WITH THE ORDER DATED 07.04.2015 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-2420 KB/2013/1007 DATED 21.04.2015.

PRESENT:

SRI R. N. SEN, CHAIRPERSON
SRI AMITAVA BISWAS, MEMBER

DATE: 21.03.2017

Further order in continuation of earlier order of the Commission issued on 07.12.2016 regarding complaints of Md. Mohasin Mondal under section 142 of the Electricity Act, 2003 for non-compliance with the Order dated 07.04.2015 issued by the Office of the Ombudsman of the Commission and forwarded to West Bengal State Electricity Distribution Company Limited vide No. OMBUD/W-2420 KB/2013/1007 dated 21.04.2015

Noting by Office or Advocate	Sl. No.	Date	Office notes, reports orders or proceedings with signature
		21.03.2017	<p style="text-align: center;"><u>ORDER</u></p> <p>1.0 One Md. Mohasin Mondal, S/o Late Lokman Mondal, Vill. Panchtentul, P. O. Kayra, P. S. Illambazar, Dist. Birbhum, West Bengal, Pin 731214 (hereinafter referred to as the "complainant") had submitted an application to the West Bengal Electricity Regulatory Commission (hereinafter referred to as the "Commission") dated 07.09.2015 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 07.04.2015 issued directions to the West Bengal State Electricity Distribution Company Limited (in short "WBSEDCL") for payment of compensation @ Rs. 500.00 for each additional day of delay in effecting connection from the period from 08.02.2011 to 27.10.2013 and the same was forwarded to them vide letter no OMBUD/W-2420 KB/2013/1007 dated 21.04.2015 of the Office of the Ombudsman.</p> <p>The complainant had submitted vide his aforesaid application before the Commission that the Order dated 07.04.2015 of the Ombudsman was not complied with by WBSEDCL.</p> <p>2.0 On perusal of the contents of the petition and the documents annexed therewith, the Commission called for a hearing upon service of notice, fixing the date on 17.11.2016 at 11.30 hours. In the hearing, both the parties, i.e., the complainant along with his authorized representative and WBSEDCL were present and the following directions were given by the Commission vide order dated 07.12.2016 to the parties in question in order to resolve the issue.</p>

Further order in continuation of earlier order of the Commission issued on 07.12.2016 regarding complaints of Md. Mohasin Mondal under section 142 of the Electricity Act, 2003 for non-compliance with the Order dated 07.04.2015 issued by the Office of the Ombudsman of the Commission and forwarded to West Bengal State Electricity Distribution Company Limited vide No. OMBUD/W-2420 KB/2013/1007 dated 21.04.2015

			<p>Quote:</p> <p>The Commission observed that the statement made by the representative of WBSEDCL during the hearing requires further examination before passing any order in the instant case for payment of compensation as directed by the Ombudsman of the Commission. The Commission directed WBSEDCL to submit a detailed statement in writing covering all the aspects of the submission made during the hearing within 15 days from the date of receipt of this order. However, if, on examination of the submission of WBSEDCL, it is found that the contention of WBSEDCL is not tenable and that the Commission has been misled, then the Commission will impose penalty on WBSEDCL, as deemed fit, and direct payment of compensation to the consumer concerned as already ordered by the Ombudsman.</p> <p>Unquote:</p> <p>3.0 The above order of the Commission was forwarded to both the parties vide Commission's letter No. WBERC/Comp/WBSEDCL./330/15-16/1553-1554 dated 09.12.2016 for information and taking necessary action.</p> <p>4.0 As per the directions of the Commission, WBSEDCL has submitted a report to the Commission explaining the merits of the writ petition as submitted by WBSEDCL vide letter dated 24.11.2016 and detailed statement against writ petition submitted by WBSEDCL vide letter dated 26.12.2016.</p> <p>5.0 On perusal of the a) Writ Petition No. 25578 (W) of 2015 filed before the Hon'ble High Court at Calcutta by WBSEDCL against the order dated 07.04.2015 of the Ombudsman, b) merits of writ petition submitted by WBSEDCL vide letter dated 24.11.2016 and c) detailed statement</p>
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Further order in continuation of earlier order of the Commission issued on 07.12.2016 regarding complaints of Md. Mohasin Mondal under section 142 of the Electricity Act, 2003 for non-compliance with the Order dated 07.04.2015 issued by the Office of the Ombudsman of the Commission and forwarded to West Bengal State Electricity Distribution Company Limited vide No. OMBUD/W-2420 KB/2013/1007 dated 21.04.2015

			<p>against writ petition submitted by WBSEDCL vide letter dated 26.12.2016, the Commission has observed that the purport and content of the writ petition no. 25578 (W) of 2015 filed by WBSEDCL before the Hon'ble High Court at Calcutta against the order dated 07.04.2015 issued by the Ombudsman for disbursement of compensation to the complainant Sri Madan Mohan Dey are related more to the power of the Ombudsman than anything else. The reports dated 24.11.2016 and 26.12.2016 submitted by WBSEDCL also do not clearly elucidate WBSEDCL's stand as to the bone of their contention, rather it appears to be evasive in nature. A quick tour of the writ petition, in question, clearly shows that it has been preferred challenging the powers of Ombudsman to entertain and/or adjudicate the complaints but not on/upon the merits of the case.</p> <p>6.0 In view of the above, the Commission is of the considered view that the petition/reply and/or the reports of WBSEDCL dated 24.11.2016 and 26.12.2016 are evasive and non-conclusive and, thus, WBSEDCL has attempted to mislead the Commission. The Commission is further of the view that WBSEDCL is averse to comply with the orders of the Ombudsman on some pretext or the other to the disadvantage of the electricity consumers who file petition for redressal of their grievances.</p> <p>7.0 In above view of the matter, the Commission holds up the order dated 07.04.2015 issued by Ombudsman in G. R. Case no. W-2420 KB of 2013 between Md. Mohasin Mondal and WBSEDCL and gives the following directions:</p> <p>a) WBSEDCL shall pay the compensation to Md. Mohasin Mondal as per the order dated 07.04.2015 issued by the Ombudsman positively within 15 days from the date of receipt of this order failing which, WBSEDCL shall also pay a penalty of Rs. 10,000.00 (Rupees Ten thousand only) to the Commission under section 142 of the Act..</p>
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			<p>8.0 The petition dated 07.09.2015 of Md. Mohasin Mondal is, thus, disposed of.</p> <p>9.0 Let a copy of this order be served upon Md. Mohasin Mondal and WBSEDCL.</p> <p>Sd/- (AMITAVA BISWAS) MEMBER</p> <p>Dated : 21.03.2017</p> <p>Sd/- (R. N. SEN) CHAIRPERSON</p>
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