



ORDER
OF THE
WEST BENGAL ELECTRICITY REGULATORY COMMISSION

IN THE MATTER OF
SRI RAJESWAR PRASAD BHAKAT

- VS -

WEST BENGAL STATE ELECTRICITY DISTRIBUTION COMPANY LTD

CASE NO. COMP/WBSEDCL/267/12-13

IN RE COMPLAINTS OF SRI RAJESWAR PRASAD BHAKAT UNDER SECTION 142 OF THE ELECTRICITY ACT, 2003 FOR NON-COMPLIANCE OF THE ORDER DATED 27.08.2012 OF THE OMBUDSMAN, WEST BENGAL ELECTRICITY REGULATORY COMMISSION, AND FORWARDED TO WEST BENGAL STATE ELECTRICITY DISTRIBUTION COMPANY LIMITED VIDE NO. OMBUD/W-402KPB/2012/3077 DATED 29.08.2012.

PRESENT:

SRI R. N. SEN, CHAIRPERSON

SRI AMITAVA BISWAS, MEMBER

DATE: 30.03.2017

Order of the Commission regarding complaints of Sri Rajeswar Prasad Bhakat under section 142 of the Electricity Act, 2003 for non-compliance of the Order dated 27.08.2012 of the Ombudsman of the Commission, and forwarded to West Bengal State Electricity Distribution Company Limited vide No. OMBUD/W-402 KPB/2012/3077 dated 29.08.2012

Noting by Office or Advocate	Sl. No.	Date	Office notes, reports orders or proceedings with signature
		30.03.2017	<p style="text-align: center;"><u>ORDER</u></p> <p>1.0 One Shri Rajeswar Prasad Bhakat, S/o Late Kishanram Bhakat, Vill. & P. O. Pundi, P. S. Nabagram, Dist. Murshidabad, Pin – 742226, West Bengal (hereinafter referred to as the “complainant”) submitted an application to the West Bengal Electricity Regulatory Commission (hereinafter referred to as the “Commission”) on 24.01.2017 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 27.08.2012 issued the following directions to the West Bengal State Electricity Distribution Company Limited (in short “WBSEDCL”) and the same was forwarded to them vide letter no. OMBUD/ W-402 KPB/2012/3077 dated 29.08.2012.</p> <p>“Pay compensation to the complainant Rs. 1,23,500/- (247 days x Rs. 500/- per day) (Rupees one lakh twenty three thousand five hundred only) in terms of Regulation 4.2 and Regulation 15(a) of the West Bengal Electricity Regulatory Commission (Standards of Performance of Licensees Relating to Consumer Services), Regulations, 2010 for delay in effecting connection to the SMP of the complainant.</p> <p>WBSEDCL will comply with this order within 30 days and submit a report of compliance within 15 days thereafter.”</p> <p>The complainant had submitted vide his aforesaid application before the Commission that the Order dated 27.08.2012 of the Ombudsman was not complied with by WBSEDCL.</p> <p>2.0 On perusal of the petition along with the documents submitted by the</p>

			<p>complainant, the Commission admitted the matter and decided to hear it. Accordingly, notices upon both the complainant and WBSEDCL (the licensee) were served vide No. WBERC/Comp/WBSEDCL/267/12-13/2356-2357 dated the 08th March, 2017 intimating that the hearing would take place on 23.03.2017 at 12.00 hours in the office of the Commission.</p> <p>3.0 The Commission accordingly took up the hearing on 23.03.2017 as scheduled. Smt. Uma Chakraborty, Chief Engineer, CRM Cell, WBSEDCL represented WBSEDCL in the hearing. Sri Bimal Bhakat attended the hearing on behalf of the complainant with due authorization.</p> <p>4.0 WBSEDCL submitted that the order of the Ombudsman has been challenged before the Hon'ble High Court at Calcutta being WP No. 27477 (W) of 2012 and admission of hearing was held on 21.12.2012. The matter is now pending before the Hon'ble High Court at Calcutta. She further submitted that, since the matter is sub-judice, WBSEDCL is unable to make any comment on the subject. The representative of WBSEDCL also read out from their internal legal views making references to merit of the case which still remains to be decided by the Hon'ble Court though the questions of authority, jurisdiction and powers of Ombudsman has been settled by the Hon'ble Apex Court.</p> <p>5.0 After hearing both the parties, the Commission passed the following order:</p> <p>"WBSEDCL will file before the Commission a detailed report with reference to the Writ Petition concerned and the so-called internal legal views read out by the representative of the WBSEDCL. The report should focus specifically on the issue of merit mentioned in the Writ Petition vis-à-vis the internal legal views as read out. The report must be filed before the Commission within 7 (seven) days. After proper study of the report in the light of the submission made on date, the</p>
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			<p>Commission will pass final order.”</p> <p>6.0 Let a copy of the order be served upon Sri Rajeswar Prasad Bhakat and WBSEDCL.</p> <p>Sd/- (AMITAVA BISWAS) MEMBER</p> <p>Sd/- (R. N. SEN) CHAIRPERSON</p> <p>Dated : 30.03.2017</p>
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