

**WEST BENGAL ELECTRICITY REGULATORY COMMISSION**

**WEST BENGAL**

**Petition No. WBERC/Comp/WBSEDCL/415/18-19**

**Date of hearing: 14<sup>th</sup> November, 2019**

**Time of hearing: 14.45 hours**

**Coram:**

**Shri Sutirtha Bhattacharya, Chairperson**

**Shri Durgadas Goswami, Member**

**Shri Pulak Kumar Tewari, Member**

In the matter of

Application under section 142 of the Electricity Act, 2003 regarding non-compliance of the order dated 17.01.2017 passed by the Ld. Ombudsman, WBERC.

And

In the matter of

Sri Subal Malik  
S/o Late Narendranath Malik  
Vill. – Baidyapur  
P. O. – Baidyapur, Shibtala  
P. S. – Madhabdihi  
Dist. – Purba Bardhaman  
West Bengal (PIN: 712410).

..... Complainant

And

In the matter of

West Bengal State Electricity Distribution Company Limited  
Vidyut Bhavan  
Block DJ, Sector – II  
Salt Lake City  
Kolkata 700 091

..... Respondent

Representatives attended:



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**Complainant:**

- 1) Sri Subal Malik,
- 2) Sri Monimahan Ghosh

**West Bengal State Electricity Distribution Company Limited (WBSEDCL)**

**[Respondent]**

1. Smt. Mousumi Bhowmick, CE, CRM Cell,
2. Smt. Gauri Mukhopadhyay, SE(E), CRM Cell,
3. Sri Mohananda Sadhukhan, AE & SM.

**SUBMISSION DURING HEARING**

Based on the application of petitioner regarding non-compliance of the order of Ld. Ombudsman dated 13.01.2017, hearing took place on 27<sup>th</sup> June, 2019 and 23.09.2019. Upon hearing the parties on 23.09.2019 the Commission vide its interim order dated 30.09.2019 directed that –

- a) Ld. Advocate of the respondent in the capacity of amicus curiae will (i) examine both the orders of Ld. Ombudsman; (ii) find out the reason for filing two petitions by the petitioner before the Ld. Ombudsman; (iii) whether there is any difference between the two orders of the Ld. Ombudsman; (iv) whether such orders were complied with by the respondent and (v) submit a report by the next date of hearing;
- b) The next date of hearing is fixed on 14<sup>th</sup> November, 2019 at 15.00 hours.

In view of above, the hearing was held on 14<sup>th</sup> November, 2019 at 15.00 hours where the complainant and the representatives of WBSEDCL were present.

**SUBMISSIONS DURING THE HEARING**

As per the direction of the Commission given in its interim order dated 30.09.2019, the Ld. Advocate of WBSEDCL, in the capacity of amicus curiae, submitted his views which inter-alia states that –

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- a) Although technically the learned Ombudsman passed two different orders, but in reality those two orders passed in connection with the dispute relating to more or less same cause of action, i.e., the bill for the month of February, 2016;
- b) There is no cogent reason for filing two separate petitions ventilating the grievance. The second application filed by the complainant adding bill for the months of March to September, 2016 in addition to the main dispute, is relating to bill for the month of February, 2016;
- c) There is no difference between the two orders of the Ld. Ombudsman. However, there is only difference of manner of compliance.
- d) Technically, the first order of the Ld. Ombudsman has been slated to have been not complied with but in reality the same has been complied with as the second order of the Ld. Ombudsman for the same cause of action has been complied with.

The representative of the complainant submitted that -

- a) As per the direction of the Ld. Ombudsman, the regenerated bill has not been provided by WBSEDCL.
- b) WBSEDCL has provided a rectified bill containing outstanding amount which was termed as fuse call charges in the previous bill, but excluded the LPSC charges.
- c) The plea of WBSEDCL as to inability to deduct the fuse call charges due to prevalent billing system is not tenable when they can remove the LPSC charges in the same billing system.
- d) The second application to the Ld. Ombudsman for redressal of the issue was made after going through the RGRO.
- e) The order dated 13.01.2017 of the Ld. Ombudsman has not been complied with by WBSEDCL, though a considerable amount of time has elapsed.



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The representative of WBSEDCL submitted that the orders dated 13.1.2017 and 07.12.2017 are same and they have complied with both the orders by providing regenerated bill to the complainant.

### OBSERVATIONS OF THE COMMISSION

The Commission is of the opinion that it shall only look into the issue as to whether the directions given by the Ld. Ombudsmen in their orders dated 13.01.2017 and 07.12.2017 have been complied with by both the complainant and the respondent. The Commission also observes that the order dated 13.01.2017 of the Ld. Ombudsman has not been complied with by WBSEDCL. No other issue will be taken up for discussion or consideration under section 142 of the Electricity Act, 2003.

### ORDER

Upon hearing, the Commission directs that –

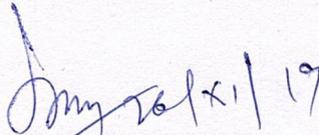
- a) WBSEDCL shall submit their compliance report in respect of the order dated 13.01.2017 issued by the Ld. Ombudsman in the form of affidavit within 30 days from the date of receipt of this order.
- b) The next course of action will be decided upon receipt of the affidavit from WBSEDCL as stated above.

Sd/-  
(PULAK KUMAR TEWARI)  
MEMBER

Sd/-  
(DURGADAS GOSWAMI)  
MEMBER

Sd/-  
(SUTIRTHA BHATTACHARYA)  
CHAIRPERSON

DATE: 25.11.2019

  
(T. K. MUKHERJEE)  
SECRETARY



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