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ORDER
OF
WEST BENGAL ELECTRICITY REGULATORY COMMISSION

IN THE MATTER OF
SRI BIJOY KUMAR SEN

- VS -

WEST BENGAL STATE ELECTRICITY DISTRIBUTION COMPANY LTD

CASE NO. WBERC/COMP/WBSEDCL/385/17-18

IN RE COMPLAINTS OF SRI BIJOY KUMAR SEN UNDER SECTION 142 OF THE ELECTRICITY ACT, 2003 FOR NON-COMPLIANCE OF THE ORDER DATED 18.06.2015 OF THE OMBUDSMAN, WEST BENGAL ELECTRICITY REGULATORY COMMISSION AND FORWARDED TO WEST BENGAL STATE ELECTRICITY DISTRIBUTION COMPANY LIMITED VIDE NO. OMBUD/W-892 KB/2014/1580 DATED 19.06.2015.

PRESENT:

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

DATE: 22.02.2018

Order of the Commission regarding complaints of Shri Bijoy Kumar Sen under section 142 of the Electricity Act, 2003 for non-compliance with the Order dated 18.06.2015 issued by the Office of the Ombudsman of the Commission and forwarded to West Bengal State Electricity Distribution Company Limited vide No. OMBUD/W-892 KB/2014/1580 dated 19.06.2015

Noting by Office or Advocate	Sl. No.	Date	Office notes, reports orders or proceedings with signature
		22.02.2018	<p style="text-align: center;"><u>ORDER</u></p> <p>1.0 One Shri Bijoy Kumar Sen, S/o Sri Sudhir Sen, Vill. & P. O. Barbashi, P. S. Kharagpur (L), Dist. Paschim Medinipur, West Bengal, Pin 721149 (hereinafter referred to as the "complainant") submitted an application dated 18.01.2018 under section 142 of the Electricity Act, 2003 to West Bengal Electricity Regulatory Commission (hereinafter referred to as the "Commission") 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 18.06.2015 issued the following directions to the West Bengal State Electricity Distribution Company Limited (in short "WBSEDCL") vide letter No OMBUD/W-892 KB/2014/1580 dated 19.06.2015.</p> <p>Quote:</p> <p style="padding-left: 40px;">It is ordered that the O.P. will refund to the complainant in cash/cheque/demand draft the excess energy charge of 13,179/- with due interest for the period from the respective date of realization to the date of refund.</p> <p style="text-align: right;">Unquote</p> <p>The complainant submitted in his application as aforesaid that WBSEDCL has not yet complied with the order dated 18.06.2015 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 vide No. WBERC/Comp/WBSEDCL/385/17-</p>

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			<p>18/1624-1625 dated the 05th February, 2018 intimating that the hearing would take place on 20.02.2018 at 12.15 hours at the office of the Commission.</p> <p>3.0 The Commission took up the hearing on 20.02.2018 as scheduled. Sri Sujit Sankar Koley, Ld. Advocate along with other officers of WBSEDCL attended the hearing with due authorization. The complainant Sri Bijoy Kumar Sen along with Sri Samar Bijoy Ghorai, duly authorized by the complainant, attended the hearing.</p> <p>4.0 The complainant submitted that although more than two and a half years have already been passed from the date of issuance of the order by the Ld. Ombudsman of the Commission, WBSEDCL has failed to comply with the same. Therefore, the complainant has prayed before the Commission to pass a suitable order directing WBSEDCL to immediately comply with the order of the Ld. Ombudsman.</p> <p>5.0 The representative of WBSEDCL submitted that WBSEDCL has filled a review petition dated 19.02.2018 before the Ombudsman for review of his order dated 18.06.2015 considering the procedural errors in respect of submission of grievance by the complainant.</p> <p>6.0 The Commission noted that instead of complying with the order within the specified time, as given by the Ombudsman in his order dated 18.06.2015, WBSEDCL has filed the review petition after a lapse of more than two and a half years which is untenable.</p> <p>7.0 In view of the above, the Commission upholds the order dated 18.06.2015 issued by the Ombudsman and directs WBSEDCL to immediately comply with the same and send the compliance report to the Commission within 15 days from the date of receipt of this order.</p>
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			<p>8.0 The matter is, thus, disposed of.</p> <p>9.0 Let a copy of this order be served upon Shri Bijoy Kumar Sen and WBSEDCL.</p> <p style="text-align: center;">Sd/- (DURGADAS GOSWAMI MEMBER</p> <p style="text-align: center;">Sd/- (AMITAVA BISWAS) MEMBER</p> <p style="text-align: center;">Sd/- (R. N. SEN) CHAIRPERSON</p> <p>Dated : 22.02.2018</p>
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