



सत्यमेव जयते



ORDER
OF
WEST BENGAL ELECTRICITY REGULATORY COMMISSION

IN THE MATTER OF
SRI NARAYAN CHANDRA SAMANTA

- VS -

WEST BENGAL STATE ELECTRICITY DISTRIBUTION COMPANY LTD

CASE NO. WBERC/COMP/WBSEDCL/387/17-18

IN RE COMPLAINTS OF SRI NARAYAN CHANDRA SAMANTA UNDER SECTION 142 OF THE ELECTRICITY ACT, 2003 FOR NON-COMPLIANCE OF THE ORDER DATED 27.01.2015 OF THE OMBUDSMAN, WEST BENGAL ELECTRICITY REGULATORY COMMISSION AND FORWARDED TO WEST BENGAL STATE ELECTRICITY DISTRIBUTION COMPANY LIMITED VIDE NO. OMBUD/W-2682 AG/2013/262 DATED 30.01.2015.

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 Narayan Chandra Samanta under section 142 of the Electricity Act, 2003 for non-compliance with the Order dated 27.01.2015 issued by the Office of the Ombudsman of the Commission and forwarded to West Bengal State Electricity Distribution Company Limited vide No. OMBUD/W-2682 AG/2013/262 dated 30.01.2015

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 Narayan Chandra Samanta, S/o Sri Rajendra Samanta, 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 27.01.2015 issued the following directions to the West Bengal State Electricity Distribution Company Limited (in short "WBSEDCL") vide letter No OMBUD/W-2682 AG/2013/262 dated 30.01.2015.</p> <p>Quote:</p> <p style="padding-left: 40px;">It is, therefore, ordered that the opposite party shall refund to the complainant the realized excess amount of Rs. 44,079 (Rs. 30,394 + Rs. 13,685) along with interest at the rate provided in the regulation 3.5.4 of West Bengal Regulatory Commission (Electricity Supply Code) Regulations, 2017 for the period from the respective dates of realization of the amounts 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 27.01.2015 of the Ombudsman.</p> <p>2.0 On perusal of the petition along with the documents submitted by the</p>

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			<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/387/17-18/1626-1627 dated the 05th February, 2018 intimating that the hearing would take place on 20.02.2018 at 12.45 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 Narayan Chandra Samanta 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 three 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 27.01.2015 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 27.01.2015, WBSEDCL has filed the review petition after a lapse of three years which is untenable.</p> <p>7.0 In view of the above, the Commission upholds the order dated 27.01.2015 issued by the Ombudsman and directs WBSEDCL to immediately comply</p>
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			<p>with the same and send the compliance report to the Commission within 15 days from the date of receipt of this order.</p> <p>8.0 The matter is, thus, disposed of.</p> <p>9.0 Let a copy of this order be served upon Shri Narayan Chandra Samanta and WBSEDCL.</p> <p>Sd/- (DURGADAS GOSWAMI MEMBER</p> <p>Sd/- (AMITAVA BISWAS) MEMBER</p> <p>Sd/- (R. N. SEN) CHAIRPERSON</p> <p>Dated : 22.02.2018</p>
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