



## West Bengal Electricity Regulatory Commission

FD-415A, Poura Bhawan, 3<sup>rd</sup> Floor, Sector-III

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No. WBERC/B-27/4/0767

Dated : 31<sup>st</sup> October 2014

From :

K. P. Bhar, IAS (Retd)  
Secretary, W.B.E.R.C

To

The Additional Chief Secretary,  
Government of West Bengal,  
Department of Power & Non-conventional Energy Sources,  
New Secretariat Building,  
1, Kiron Sankar Roy Road,  
Kolkata – 700001.

**Subject : Consumer Protection as stipulated by the Electricity Act 2003  
(the Act) and Rules and Regulations made thereunder.**

**Reference : Our letter No. WBERC/B-27/4/0690 dated 10.10.2014.**

Sir,

In reference to above mentioned subject and letter dated 10.10.2014 I am directed to mention that this Commission brought to your kind notice the matter relating to non-compliance of Ombudsman's orders for payment of compensation etc, which originated from the failure of WBSEDCL to maintain Standard of Performance for serving the consumers as per law. It was also pointed out for your kind information and appropriate action to the fact that WBSEDCL instead of complying the lawful orders of the Ombudsman is filing writ petitions against such Ombudsman's orders wherein the State Government is made Respondent No 1 inspite of the fact that the State Government is not any how related to the matter and WBSEDCL is a fully owned State Government Company.

2. In view of the above I am further directed to request you kindly to intimate action taken, if any, in respect of the above stated activities of WBSEDCL against the consumer interest.
3. A copy of our earlier Memo dated 10.10.2014 is enclosed for ready reference.

Thanking you,

Yours faithfully,

(K P Bhar)  
Secretary

Enclosures: As above

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Dated : 10<sup>th</sup> October 2014

From :

K. P. Bhar, IAS (Retd)  
Secretary, W.B.E.R.C

To

The Additional Chief Secretary,  
Government of West Bengal,  
Department of Power & Non-conventional Energy Sources,  
New Secretariat Building,  
1, Kiron Sankar Roy Road,  
Kolkata – 700001.

**Subject : Consumer Protection as stipulated by the Electricity Act 2003  
(the Act) and Rules and Regulations made thereunder.**

Sir,

In respect of the subject mentioned above I am directed to refer to this Commission's letter No WBERC/B-27/4/0594 dated 09.09.2014 (copy enclosed) wherein the stand taken by WBSEDCL not to comply with the orders of the Ombudsman and also that of this Commission as well as filing of writ petitions thereof, were highlighted with relevant details. I am also directed to mention that such legal complication originated from failure of the Distribution licensee i.e. WBSEDCL to observe Standard of Performance relating to consumer service as per provision of the Act and Rules and Regulations made thereunder.

2. In this connection, I am further directed to mention that of late, WBSEDCL is filing writ petitions in Hon'ble Calcutta High Court on identical issues wherein the State of West Bengal has been made the 1<sup>st</sup> Respondent followed by WBERC, Ombudsman and the concerned consumer as 2<sup>nd</sup>, 3<sup>rd</sup> and 4<sup>th</sup> Respondents respectively. It is apparently surprising to note that a fully state owned company (WBSEDCL) is filing writ petitions against the State of West Bengal on issues in which the State is not at all directly related and the 2<sup>nd</sup> and the 3<sup>rd</sup> Respondents are statutory authorities having no direct connection with State of West Bengal excepting those specifically mentioned in the Electricity Act 2003.

3. This is for your kind information and taking appropriate action. The action taken in this regard may kindly be intimated to this Commission.

Thanking you,

Yours faithfully,

(K P Bhar)  
Secretary