

M/L.01.
February 02, 2026.
KAUSHIK

WPA No. 25648 of 2025

WBSEDCL & Ors.

Vs.

The Learned Ombudsman, West Bengal
Electricity Regulatory Commission & Anr.

Mr. S. S. Koley
Mr. Swagatam Deb
... for the petitioners.

Mr. Bhagbat Chowdhury
Ms. Mallika Manna
... for the respondent no. 2

Mr. Raja Saha
Mr. Sanjay Mukherjee
... for the WBERC

The grievance of the petitioner is directed against an order dated 21st November, 2024 passed by the Ombudsman under Section 42 (7) of the Electricity Act, 2003.

In or about February, 2018, a meter was installed in the name of the private respondent relating to a shallow tubewell connection (STW connection). Thereafter, the average billing was taken from February, 2018 to March, 2022. Ultimately, a final decision was taken by the respondent-WBSEDCL for taking charges as per electric meter reading. In such circumstances, the petitioner had raised a bill as per the electric meter reading.

Being aggrieved by the impugned bill, the private respondent filed a complaint before the

RGRO, which was dismissed on 15th February, 2024. Being aggrieved by the said order passed by the RGRO, the petitioner filed a complaint before the Ombudsman. The Ombudsman prepared a draft settlement order and ultimately by virtue of the impugned order directed as follows:

“a) That, in terms of Clause 3.5 of Regulation 55/WBERC dated 07.08.2013, the A.P. shall make payment of Rs. 20,000/- on provisional basis within 30 days from the date of receipt of this order and that the License shall accept the same without raising any objection whatsoever in this regard.

b) That, on receipt of the provisional payment, the OP i.e. W.B.S.E.D.C.L. (the Licensee) shall cancel the disputed bill of October 2021 and regenerate the same on the basis of actual consumption for the corresponding month of the succeeding year without claiming any LPSC, after adjustment of all the payment made by the A.P. during the intervening period.

c) That, the Licensee shall monitor the regular meter reading and arrange to send the monthly electricity bill to the A.P. as per the actual consumption recorded in the meter and that the Appeal Petitioner shall continue to pay the current electricity bills regularly and OP shall accept the same without raising any objection whatsoever in this regard and without claiming any LPSC.

d) That, the case is thus, finally disposed of.”

On behalf of the writ petitioner, it is contended that the impugned order is perverse and vitiated by arbitrariness. In passing the impugned order, the Ombudsman failed to consider the facts and circumstances of the case and the applicable law. The direction in the impugned order for the petitioner to regenerate bills on the basis of actual consumption for the corresponding month of the succeeding year of

which consumption is contrary to law. There has been no application of mind in passing the impugned order and the same is contrary to the mandatory requirements under the Electricity Act, 2003.

On behalf of the Ombudsman, it is fairly submitted that litigation before the Ombudsman is not adversarial in nature. In any event, the order of the Ombudsman has been passed keeping in mind section 56(2) of the Act of 2003 and there is no perversity warranting any interference.

On behalf of private respondent, it is submitted that the dues raised by WBSIEDCL are not justified in law.

On a conjoint reading of the provisions of the Act and, more particularly, section 42(6) and 42(7), the jurisdiction vested in the Ombudsman is more conciliatory in nature than adversarial. In this regard, section 42(6) and 42(7) of the Act, provides as follows"

Section 42(1).....

(2).....

(3).....

(4).....

(5).....

6) Any consumer, who is aggrieved by non-redressal of his grievances under sub-section (5), may make a representation for the redressal of his grievance to an authority to be known as Ombudsman to be appointed or designated by the State Commission.

(7) The Ombudsman shall settle the grievance of the consumer within such time and in such manner as may be specified by the State Commission.

An *ex facie* perusal of the draft settlement order along with the impugned order demonstrates that there has been no application of mind by the Ombudsman. The Ombudsman failed to take into account that the petitioner was wrongfully prevented from taking any meter reading by the villagers. Ultimately, they were allowed to take such meter reading only with the assistance of the State officials. The time prescribed by the Regulations to ventilate any grievance had also lapsed. The bills were raised by the petitioner in the month of October, 2021 and the grievance raised by the private respondent before the RGRO was on 9 September, 2022 after a lapse of one year. The section provides a ninety day period before which the complaint could have been made before the RGRO. This aspect of the matter has not been adverted to in the impugned order.

On the contrary, in passing the impugned order, the Ombudsman has circumvented and violated the mandatory mechanism and directed regeneration of the bills on the basis of actual compensation. The irony of such order is that the private respondents have shown nil consumption in the corresponding month. The impugned order also ignores Regulation 3.7 which permits the

petitioner being the licensee to raise the bill initially provisionally on an average basis in case of inaccessibility of meter reading and subsequently on availability of actual meter reading, after adjusting the provisional amount already paid. The impugned order is in violation of the Regulations framed by the Regulatory Commission. The impugned order is *ex facie* in excess of jurisdiction.

In such circumstances, the impugned order is *ex facie* unsustainable and is set aside. There shall be an order in terms of prayer (a) of the writ petition. The private respondents are directed to pay the bills raised by the petitioner in twelve equal monthly installments on the first of such monthly installments commencing from March, 2026. No LPSC can be claimed for the period. In default, liberty is granted to the petitioner to take all necessary steps in accordance with law.

In view of the above, WPA 25648 of 2025 stands disposed of.

(Ravi Krishan Kapur, J.)