

Item No.1  
07.07.2026  
Court. No. 12  
GB

MAT 1055 of 2026  
With  
CAN 1 of 2026  
With  
CAN 2 of 2026

Samsul Alam  
VS  
West Bengal State Electricity Distribution  
Company Limited & Ors.

*Mr. Prosenjit Mukherjee,  
Mr. Jahangir Hossain,  
Ms. Babita Pramanik*

*...for the Appellant.*

*Mr. Srijan Nayak,  
Mrs. Rituparna Maitra*

*...for the WBSEDCL*

**In Re: CAN 1 of 2026**

1. This is an application for condonation of delay of 125 days in filing the appeal.
2. Having considered the averments made in paragraph 3, we are satisfied that the delay has been explained properly.
3. Accordingly, the delay is condoned.
4. CAN 1 of 2026 is allowed and disposed of.
5. The appeal is regularized.

**In Re: MAT 1055 of 2026**

6. The appellant is a consumer of the West Bengal State Electricity Distribution Company Limited (WBSEDCL). He is aggrieved by an order dated January 30, 2026, passed in WPA 354 of 2026. According to the appellant, the learned court had exceeded its jurisdiction in making observations that frivolous proceedings had

been initiated by the appellant in order to procrastinate the matter and evade payment of the dues of the distribution company. Further submission is that, His Lordship erred in directing WBSEDCL to recover its due as there was no stay or embargo of any kind whatsoever.

7. Mr. Mukherjee, learned advocate for the appellant submits that the disputed bill was time barred. A writ petition was filed, challenging such claim. The writ court was of the view that a billing dispute should be decided by the appropriate forum. Accordingly, the appellant approached the Central Grievance Redressal Officer. The Central Grievance Redressal Officer, upon hearing the parties, had published a draft settlement order, thereby, directing the concerned Station Manager to regenerate the bill with proper consumption month and year, by giving appropriate tariff benefit. Upon receipt of such regenerated bill, the appellant was held liable to deposit the same, within a fortnight. The proceeding was disposed of at the draft order stage.
8. The appellant preferred an appeal before the Ombudsman, and the Ombudsman initially passed a draft order and thereafter a final order, directing the Central Grievance Redressal Officer to pass a reasoned order upon considering the comments of the ombudsman and additional comments to be submitted by the WBSEDCL. Such order was challenged before

the writ court on the ground that, in the draft settlement order the Ombudsman had, prima facie, arrived at a finding that the claim of the WBSEDCL was time barred.

9. However, on perusal of the application and contents thereof filed by the WBSEDCL, the Ombudsman remanded the matter for a final decision by the Central Grievance Redressal Officer. His Lordship did not reverse such finding. His Lordship held that, as the Central Grievance Redressal Officer had not passed a final order, all subsequent proceedings were misconceived.
10. We are of the view that, the finding of His Lordship that the Central Grievance Redressal Officer ought to have finally disposed of the matter by passing a final order, and not a draft settlement order, is correct. The Ombudsman also rightly relegated the matter to the Central Grievance Redressal Officer for a final decision, as the first adjudicating authority was required to decide the matter on the submissions of both parties and their response to the draft settlement order.
11. It is also understood that after a draft settlement order is passed by the Central Grievance Redressal Officer, the parties are required to respond to such settlement order. Only upon hearing objections if any and response of the parties to the draft settlement order, a final order is passed. In this case, this procedure was not followed and, as such, the disposal of the

proceeding by the Central Grievance Redressal Officer on the basis of the draft settlement order suffers from procedural irregularity.

12. Under such circumstances, the Ombudsman rightly directed the matter to be decided finally by the Central Grievance Redressal Officer upon hearing the contentions of the parties and also upon going into the records. Further, the regulations of the West Bengal State Electricity Regulatory Commission provide the manner in which the billing dispute is to be decided. Such regulations are to be followed.
13. The matter will proceed from the stage of response of the parties to the draft settlement order of the Central Grievance Redressal Officer. The conclusion and the ordering portion whereof are quoted below:-

**“Conclusion:**

*Since no other point has been raised save and except applicability of Section 56(2) of the Electricity Act, 2003 that too after admission of making payment of the amount mentioned in the bill as stated herein above by 72 instalments in the letter dated 19.05.2017, in my opinion, there is no substance in the instant grievance and the same is accordingly rejected.*

**Order:**

*In order to comply the natural justice and balance of convenience and inconvenience, in my opinion proper justice would be sub-served by directing the Station Manager to regenerate the bill with proper consumption month and year by giving appropriate tariff*

*benefit to that effect. Having received such regeneration bill, the applicant consumer shall deposit the said amount within a period of fortnight from the date of received of this order.*

*The Case is thus disposed of.*

*This order will be as final order if no objection/reply will receive within 15 days from the date of receiving of this draft settlement order.*

*Complaint may approached to Ld. Ombudsman, WBERC if he will not satisfied with the above said order or Licensee will not comply the same within statutory limit as given in the Regulation 56/WBERC dated. 26.08.2013 Address of the Ld. Ombudsman.”*

14. The parties will be entitled to file their written objections or responses to the draft settlement order and the final order will be passed. The issues raised by the parties on the factual aspects, especially Mr. Nayak's contention that the appellant had accepted the liability and had requested for payment by instalments, are to be decided by the Central Grievance Redressal Officer at the hearing. With regard to the appellant's contention that His Lordship could not have directed recovery, we are of the view that the regulations and the law will take its own course and the regulations shall be followed.
15. Accordingly, the appeal and the connected application are disposed of.

16. Urgent Xerox certified copy of this order, if applied for, be given to the parties upon compliance of all necessary formalities.

**(Shampa Sarkar, J.)**

**(Smita Das De, J.)**