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26.11.2021
TN

WPA No.18107 of 2021

Sumana Adhya alias Sumana Maity Adhya
Vs.
Calcutta Electricity Supply Corporation Ltd. (C.E.S.C)
and others

Mr. Subrata Mondal,
Mr. Sujit Kumar Sharma

....for the petitioner

Mr. Debanjan Mukherji

....for the CESC

Mr. Naba Kumar Das,
Mr. Subhabrata Das

....for the respondent-State

Mr. Shibaji Kumar Das

....for the respondent nos.4 & 5

The grievance of the petitioner is that, despite the petitioner having applied for a new electric connection, the CESC Ltd. has been sitting tight over the matter and has not given such connection as yet.

Learned counsel appearing for the CESC Ltd. submits that there are three existing electric meters in the said premises and giving a new connection may tantamount to splitting of load, which is barred by law.

At this juncture, learned counsel appearing for the private respondents submits that the purported

deed of gift, relied on by the petitioner and alleged to have been executed by the mother of the petitioner, has been challenged in a civil court and the suit is still pending.

That apart, even in the event the gift deed is declared valid by the competent civil court, the private respondent, being the son of the deceased father and the brother of the present petitioner, has an equal right over the electric meters as the petitioner. It is further contended that, suppressing such material facts, the petitioner got the meter transferred in her own name.

Upon looking into the materials on record and hearing the contentions of the parties, it is evident that there are three electric meters in the suit premises, one of which is being enjoyed by the mother and the son, being the private respondents herein. Till date, although the electric meter previously standing in the name of the petitioner has been recast in the name of the deceased father, learned counsel for the CESC Ltd. assures, on instruction, that the connection will not be severed solely on the ground that it is in the name of a deceased person.

However, since a specific grievance has been raised by the CESC Ltd. as regards splitting of load, WPA No.18107 of 2021 is disposed of by granting the

petitioner liberty to approach the Grievance Redressal Officer (GRO) for resolution of the dispute regarding the alleged splitting of load. In the event either of the interested parties are aggrieved with the decision of the GRO, they will be at liberty to take further recourse to a challenge before the Ombudsman.

However, it is made clear that, subject to the result of the suit, the electric connection which the petitioner is enjoying at present from the meter in the name of the deceased father, shall be continued to be kept operational by the CESC Ltd. subject to payment of all due charges from time to time and fulfillment of other legal requirements by the petitioner.

It is also made clear that, in the event the GRO or the Ombudsman ultimately decides in favour of the petitioner, the petitioner will be at liberty to apply afresh for replacing her name in place of her deceased father regarding the electric meter standing in the name of the deceased father. If such an occasion occurs, the CESC Ltd. will consider such application in accordance with law and subject to due formalities.

There will be no order as to costs.

Urgent photostat certified copies of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

(Sabyasachi Bhattacharyya, J.)