

21st March,
2023
(AK)
08

W.P.A 6332 of 2023

Saurav Maity and another
Vs.
Calcutta Electric Supply Corporation Limited (CESC) and
others

Mr. Shibaji Kumar Das
...for the petitioners.

Mr. Debanjan Mukherjee
...for the CESC Limited.

Mrs. Arundhati Banerjee
Mr. Kaustav Banerjee
Ms. Ria Kundu
...for the respondent no.5.

Affidavit-of-service filed in court today be kept on
record.

Learned counsel for the petitioners contends that
the petitioners and the private respondent are the heirs of
the deceased Rabindra Nath Maity. Rabindra Nath Maity
(since deceased) was holding the initial electricity
connection in his name.

Subsequently on his demise, the private respondent,
it is alleged, managed to get the electricity meter
transferred in her name exclusively.

Having challenged the same, the position was
reverted back and the name of the deceased was restored
in respect of the meter.

However, upon the private respondent approaching the Grievance Redressal Officer (GRO) in terms of the order dated November 26, 2021 passed by this court in WPA 18107 of 2021, the GRO, without giving any notice to the petitioners in contravention of the order of this court, decided the issue in favour of the private respondent.

The petitioner was never served a copy of the said order of the GRO and/or any notice of the said proceeding, it is argued.

Hence, there was no occasion for the petitioners to approach with any challenge before the Ombudsman.

Learned counsel appearing for the private respondent submits that the writ petition is not maintainable on its merits.

It is contended by the respondents that the relief sought in the writ petition pertains to restoration of the electricity meter to the name of a deceased person, which is not permissible.

Learned counsel for the licensee also argues that the petitioners had prior knowledge of the order of the GRO and could have filed the writ petition earlier.

Be that as it may, it is seen from the first paragraph of internal page-3 of the order dated November 26, 2021 passed in WPA 18107 of 2021 that this court had clearly granted the petitioner therein, that is, the present private

respondent, liberty to approach the GRO for resolution of the dispute regarding the alleged splitting of load.

In the event either of the interested parties were aggrieved by the decision of the GRO, they would be at liberty to take further recourse to challenge before the Ombudsman.

There is nothing on record to show as to why this court, sitting in writ jurisdiction, should defy its own order and entertain a challenge which otherwise lies before the Ombudsman.

Since the petitioners allege that no copy of the order and/or notice of the proceeding before the GRO were served on the petitioners, it will be open to the petitioners to argue such points before the Ombudsman.

If the petitioners apply for a copy of the GRO's order, against which the petitioners are aggrieved, the GRO shall issue a properly certified copy thereof to the petitioners, immediately after such application is made, preferably within a week thereafter, to enable the petitioners to challenge the order before the Ombudsman.

Since it is specifically alleged that no copy of the order was received by the petitioners, it would be open to the petitioners to challenge the said order of the GRO before the Ombudsman deeming the commencement of the limitation period for preferring such challenge to be

the date when the petitioners get a copy of the order of the GRO.

Accordingly, WPA 6332 of 2023 is disposed of.

There will be no order as to costs.

Urgent photostat copies of this order, if applied for, be given to the parties upon compliance of all requisite formalities.

(Sabyasachi Bhattacharyya, J.)