

24.02.2025
Item No.28
RP/SG
Ct. No.01

FMA 985 OF 2024

**Saurav Maity & Anr.
VS.
Calcutta Electric Supply Corporation Limited & Ors.**

**+
IA No.CAN 1 of 2024**

Mr. Debajyoti Deb
Mr. Somdyuti Parekh
....For Appellants

Mr. Debanjan Mukherjee
....For CESC

1. This appeal filed by the writ petitioners is directed against the order dated 24th June, 2024 passed in WPA 22001 of 2023. In the said writ petition the appellants had challenged the order passed by the Ombudsman dated 7th August, 2023 by which the Ombudsman modified the order passed by the Grievance Redressal Officer dated 23rd May, 2022 and directed the electric supply to be transferred in the name of the private respondent, namely, Sumana Adhya @ Sumana Maity Adhya from the name of the original licensee Mr. Rabindra Nath Maity, who is no more, as the private respondent is the daughter of the deceased licensee. The appellants are other two legal heirs of late Rabindra Nath Maity. Therefore, the Grievance Redressal Officer ought to have issued notice to the appellants as well as the private respondent no.6 and heard the parties and take a decision. This having not been done, the order

passed by the Grievance Redressal Officer is a nullity. This aspect of the matter was not noted by the Ombudsman in proper perspective nor the Ombudsman took note of the fact that three suits are pending before the civil Court between the appellants and the sixth respondent. However, it appears that the sixth respondent is enjoying electricity as she is the daughter of the original licensee late Rabindra Nath Maity. Therefore, she should not be left without electricity connection. In the meantime, the name of the appellants cannot be excluded from the electricity connection since the appellants are also legal heirs of the original licensee late Rabindra Nath Maity.

2. Learned advocate for CESC submitted that the first appellant is also enjoying an individual electricity connection and inclusion of his name in the present connection as legal heir of the original licensee late Rabindra Nath Maity cannot be done as one person cannot have two connections. However, considering the facts and circumstances of the case, this embargo of having two connections would not apply in the instant case.
3. Accordingly, the appeal is allowed and there will be a direction to the CESC Limited to change the name of the electric connection, which originally stood in the name of Rabindra Nath Maity, in the name of Saurav Maity, Anita Maity and Sumana Adhya @ Sumana Maity

Adhya. Since the sixth respondent, namely, Sumana Adhya @ Sumana Maity Adhya is enjoying electricity connection though this connection will continue to remain in the name of three persons, the electricity consumption charges shall be paid by Sumana Adhya @ Sumana Maity Adhya without default. It will be well open to the parties to agitate their rights in the civil suits, which are pending, and obtain appropriate orders and thereafter they are at liberty to approach the CESC for necessary orders.

4. With the aforesaid directions, the appeal and the connected application are disposed of.

(T.S. SIVAGNANAM)
CHIEF JUSTICE

(CHAITALI CHATTERJEE (DAS), J.)