

09.11.2021
Item No. 18
Crt.No.11
b.r.

**FMA 504 of 2021
with
IA No. CAN 1 of 2021**

***Duranta Samanta*
-vs-
West Bengal State Electricity Distribution
Company Limited & Ors.
(Via video conference)**

**Mr. S. P. Pahari
Mr. Surendra Kumar Sharma
Mr. T.K. Mahapatra
..... for the appellant.**

**Mr. Udayan Roy
Mr. Sukanta Mondal
Mr. Debabrata Roy
..... for the Private Respondent
nos. 5 and 6.**

**Ms. Bandana Basu
..... for WBSEDCL.**

Party/parties is/are represented in the order of their appearance as printed above in the cause title.

The appellant challenges the order dated 18th January, 2021 in the writ petition whereby the Hon'ble Single Bench was pleased to hold that the appellant is not eligible to obtain relief in the writ petition on the ground of suppression of material facts.

It is an admitted position that the writ petition does not disclose particulars of the suit for declaration and permanent injunction filed by the appellant as plaintiff before the learned Civil Court (Junior Division) at Haldia numbered as Title Suit No. 75 of 2009.

According to the Private Respondent nos. 5 and 6 to the writ petition/the defendants to the suit, disclosure of the facts in the suit were vital to the adjudication of the writ petition. The defendants allege that the predecessor-in-interest of the appellant had sold out the entire land of the appellant. Hence, the appellant is precluded from seeking electricity connection on the land which does not belong to him.

The appellant however disputes the above position taken by the respondent nos. 5 and 6.

The Licensee/Company is represented by Ms. Bandana Basu, learned Counsel.

Having heard the parties and considering the materials placed, this Court finds that disclosure of the particulars of the suit were material to the adjudication of the relief in the writ petition.

The Hon'ble Single Bench has therefore not erred in dismissing the writ petition on the ground of suppression of material facts.

Accordingly, no orders are called for in the appeal and the connected application.

FMA 504 of 2021 along with **CAN 1 of 2021** stand thus **disposed of**.

However, the disposal of this appeal shall not prevent the parties from seeking their relief(s) before the appropriate forum/civil court, if and so advised.

All parties shall act in terms of the copy of the order downloaded from the official website of this Court.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with all necessary formalities.

(Kesang Doma Bhutia, J.)

(Subrata Talukdar, J.)