

04.06.2021
Item No. 5
Crt.No.11
b.r.

MAT 527 of 2021
IA No. CAN 1 of 2021

Asish Parbat
-vs -
Samriddho Ghosh & Ors.

(Via Video Conference)

Ms. Pampa Dey (Dhabal)
.... For the applicant.

Ms. Sima Adhikari
Mr. Kapil Guha
..... for the State.

Ms. Sumouli Sarkar
Mr. Laxmikant Bhattacharya
..... for the CESC Limited.

Mr. Bidyut Kumar Haldar
Mr. Indranil Haldar for the Respondent.

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

Ms. Pampa Dey (Dhabal), learned Counsel, appears
in support of the appeal and challenges the order of the
Hon'ble Single Bench dated 25th February, 2021 in WPA
212 of 2021.

From the order impugned, this Court finds that the
Hon'ble Single Bench has only directed the
Respondents/CESC Limited to conduct an inspection of the
premises in issue where the installation of the electric
meter is being sought.

Ms. Sarkar, learned Counsel appearing for the CESC Limited, informs this Court that pursuant to the solemn order of the Hon'ble Single Bench dated 25th February, 2021 the inspection has been already carried out on the 1st of March, 2021. Further, in terms of the order impugned the result of the inspection have to be placed before the appropriate Hon'ble Single Bench prior to an ultimate decision on the grant of a new electric connection.

Ms. Sima Adhikari, learned Counsel with Mr. Kapil Guha, Learned Advocate, appear for the State-Respondents. The Private Respondents are represented by Mr. Bidyut Haldar, Learned Counsel appearing with Mr. Indranil Haldar, Learned Advocate.

After hearing the parties and considering the materials placed, this Court is of the view that no right of the appellant has been irretrievably prejudiced by the order impugned dated 25th February, 2021. This Court is not persuaded to intervene in this appeal at a stage when the Hon'ble Single Bench is in *seisin* of the matter and the result of the inspection is to be produced for the benefit of an ultimate decision.

This Court also cannot lose sight of the fact that the inspection took place on the 1st of March, 2021, as submitted by the parties and, this appeal is dated the 30th

of April, 2021, i.e. much after the inspection has taken place and the issue has ripened for consideration before the Hon'ble Single Bench.

Accordingly, no merit is found in this appeal.

MAT 527 of 2021 along with **CAN 1 of 2021** stand thus **dismissed**.

Since no affidavits are called for to the application for stay connected to this appeal being CAN 1 of 2021, all other allegations shall be deemed to be denied.

Before parting with this discussion, it is reiterated that the merits of the adjudication as pending before the Hon'ble Single Bench have not been addressed by this Court.

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

(Kausik Chanda, J.)

(Subrata Talukdar, J.)