

**07.
07.09.2021.
Ct. No. 11.
F.B.**

**MAT 922 of 2021
with
IA No. CAN 1 of 2021**

(Via Video Conference)

**M/s. Royal Engineering Company
-Vs.-
West Bengal State Electricity Distribution Company
Limited & Ors.**

**Mr. Arik Banerjee,
Mr. Nilay Sengupta,
Mr. Sujit Banerjee
..... For the Appellant.**

**Mr. Srijan Nayek,
Mr. Sujit Kumar Koley
..... For the WBSEDCL.**

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

Mr. Banerjee, Learned Counsel, appears for the
appellant/the Company.

The Respondents/WBSEDCL is represented by
Mr. Nayek, Learned Counsel with Mr. Koley, Learned
Advocate.

Under challenge in this appeal is the order dated
31st of August, 2021 of the Hon'ble Single Bench

noticing some factual confusion connected to disconnection of the electricity enjoyed by the appellant/the Company has been effected pursuant to a disconnection notice and, whether such notice has been served within the statutory period, the Hon'ble Single Bench directed a report to be filed by the Respondents/WBSEDCL bringing on record the complete facts related to the dues of the appellant/Company as well as the sequence of events leading to the disconnection notice followed by the actual disconnection.

Mr. Banerjee reiterates the position that the Hon'ble Single Bench ought to have taken particular notice of the fact that the statutory notice under Section 56 (1) having been proved at the hearing, the disconnection of electricity was illegal and should have been restored.

Per contra, Mr. Nayek, Learned Counsel appearing for WBSEDCL, submits that several notices were issued to the appellant/the Company for payment of the dues. All notices were issued in compliance of Section 56 (1) of the Electricity Act, 2003.

The appellant/the Company has not paid such dues inspite of the outer date fixed by the Respondent

No. 2/the Central Grievance Redressal Officer (for short, CGRO).

Having heard the parties and considering the materials placed, this Court finds that the Hon'ble Single Bench has expressed the view that all facts connected to the disconnection shall be examined on the basis of the report to be filed by the WBSEDCL.

The writ petition itself has been directed be listed within three weeks from date, i.e. on and from 31st of August, 2021.

In the above view of the matter this is not a case decided within the meaning of Clause 15 of the Letters Patent.

Accordingly, at this stage, this appeal is not maintainable.

MAT 922 of 2021 with IA No. CAN 1 of 2021 stand accordingly **dismissed**.

The parties are directed to agitate their grievance on merits before the Hon'ble Single Bench.

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

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

(Kesang Doma Bhutia, J.)

(Subrata Talukdar, J.)