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**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE**

W.P.A. No. 15041 of 2021

Balwant Singh

-vs.-

CESC Limited & Ors.

Mr. Balwant Singh

...petitioner in person

Mr. Om Narayan Rai

...for the CESC Limited

The grievance of the petitioner is that, levelling false allegations against the petitioner, the CESC authorities disconnected two industrial meters of the petitioner long back in the year 2003. It is alleged by the petitioner that, previously in the year 2002 as well, the petitioner's electric connection had been severed.

The petitioner, appearing in person with the leave of the Court, argues that all the allegations against the petitioner were false and, as such, seeks "justice" from this Court.

Learned counsel appearing for the CESC-authorities points out that, from the annexures to the writ petition itself it is evident that the petitioner is in the habit of moving litigations on the same/similar repeatedly before this Court. On a previous occasion, a report of the Metallurgical Department, Jadavpur

University, was taken into consideration in order to test the veracity of the assessment done by the CESC-authorities and such order was affirmed in appeal by a Division Bench of this Court, vide order dated June 08, 2016, passed in M.A.T. No. 711 of 2015 with M.A.T. No. 571 of 2016.

Instead of letting the matter be at rest, the petitioner again moved a coordinate Bench of this Court, after exhausting the same remedy on a subsequent occasion, when a coordinate Bench dismissed the writ petition of the petitioner, vide order dated June 21, 2019 in W.P. No. 8975 (W) of 2019, imposing costs assessed at Rs.11,000/- on the writ petitioner, which was payable to the CESC-authorities.

Despite that, the petitioner took out another writ petition during the vacation, which is now pending in this Court, and even thereafter, the present application has been preferred for restoration of electric connection on a similar cause of action, despite the final assessment having been done in the meantime and affirmed by the appellate authority.

Since the petitioner is appearing in person, the benefit of doubt of ignorance of law was extended to the petitioner and the petitioner was asked to give a satisfactory reply as to why he did not pay costs, as directed by the previous coordinate Bench and as to why he is moving writ petitions repeatedly on

similar/self-same cause of action for the same relief. The consistent answer of the petitioner to the questions put by forth, in Bengali vernacular, is that the CESC-authorities have levelled false allegations against the petitioner.

However, the documents annexed to the writ petition itself speak otherwise. It is seen from the records that the petitioner is a habitual litigant and has been resorting to luxury litigation and has been filing multiple writ petitions on the same/similar cause of action. Despite having blatantly disobeyed the order of the previous co-ordinate Bench by not paying the costs as imposed by the said Bench on June 21, 2019, as is evident from the photocopy of the order, annexed by the petitioner himself at pages 55 to 57 of the present writ petition, the petitioner had the gumption to approach this Court again during the vacation and by taking a second chance by filing the present writ petition before this Court.

Merely because the petitioner is appearing in person, the petitioner is not a privileged litigant and cannot be entitled to any extra privilege than if he was represented by an Advocate. In spite of that, sufficient opportunity of hearing has been given to the petitioner, but the petitioner fails to satisfy this Court as to the reason of non-compliance of the order of costs and repeatedly continuing to litigate on the self-same issue

time and again before this Court, which can itself be construed as contempt of court.

In such view of the matter, the writ petition is not only barred by the principle of *res judicata*, but clearly exhibits the blatant *mala fides* on the part of the petitioner in repeatedly vexing the CESC authorities as well as the Court by filing multiple applications on the self-same cause of action, despite having failed to succeed before any of the previous forums.

As such, there is no scope of interference in the present writ petition.

Accordingly, W.P.A. No. 15041 of 2021 is dismissed on contest. The petitioner shall pay costs of Rs.25,000/- (Rupees Twenty Five Thousand only) to the respondent-authorities, in addition to the costs of Rs.11,000/- (Rupees Eleven Thousand only) previously imposed by the learned Single Judge on June 21, 2019 in W.P. No. 8975 (W) of 2019, within a week from date. In default, the petitioner will be liable to an action of contempt as well as the consequential results.

It will be open to the CESC-authorities to take out proper application for contempt and/or a malicious prosecution against the petitioner.

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

(Sabyasachi Bhattacharyya, J.)