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IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

W.P.A. No. 5955 of 2022

Brindaban Dey
Vs.
West Bengal State Electricity
Distribution Company Limited & Ors.

Mr. D.N. Bose,
Mr. Sujit Chowdhury
... for the petitioner

Mr. Sourav Chaudhuri
...for the WBSEDCL

Learned counsel for the petitioner contends that despite the petitioner having obtained a declaration from a civil court to the effect that the bills raised by the Distribution Licensee are illegal and improper and not in accordance with the actual consumption of electricity, as well as permanent injunction restraining the defendants from creating any disturbance and/or obstruction in the peaceful enjoyment of electricity by the plaintiff running his submersible pump against the suit service connection, the Distribution Licensee, that is, the WBSEDCL, has removed the transformer through which the electricity connection of the petitioner was being enjoyed, thereby depriving the petitioner of electricity for operating his submersible pump and defying the decree of the civil court.

A connected writ petition has been previously disposed of with liberty to the petitioner to approach the competent executing court for taking appropriate steps with regard to the execution of the said decree passed in Title Suit No. 197 of 2014 by the Civil Judge (Junior Division) at Kalna.

As such, a piecemeal relief being given in the present writ petition would be neither here nor there in the sense that the executing court could be rather handicapped in dealing with the prayer of the decree-holder/petitioner comprehensively.

Moreover, since the relief sought herein also pertains to the alleged violation of the civil court's decree, the remedy of the petitioner lies before the executing court.

As such, W.P.A. No. 5955 of 2022 is also disposed of in the light of the observations made in W.P.A. No. 5731 of 2018, granting liberty to the petitioner to approach the executing court for seeking appropriate and comprehensive reliefs with regard to implementation of the decree passed by the Civil Judge (Junior Division) at Kalna in Title Suit No. 197 of 2014.

If so approached, the executing court shall decide such issue in accordance with law and upon giving opportunity of hearing to all concerned, including both the parties.

It is made clear that this Court has not gone into the merits and demerits of the allegations and counter-allegations made by the parties in the present writ petition.

There will be no order as to costs.

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.)