

12th September,
2022
(AK)
01

W.P.A 7364 of 2019
IA No: CAN 1 of 2022

Nanu Tradecom Private Limited and another
Vs.
West Bengal State Electricity Distribution Company
Limited and others

Mr. Tanay Chakraborty
Mr. Siddhartha Shroff

...for the petitioners.

Mr. Srijan Nayak
Mr. Sujit Sankar Koley

...for the WBSEDCL.

The present application has been filed with the innocuous prayer of incorporating a further rider in the order passed by this court on August 12, 2021 in WPA 7364 of 2019.

It is submitted by learned counsel for the petitioners that a coordinate Bench, vide an order dated April 5, 2019, had recorded, inter-alia, that a fresh electricity connection be given to the writ petitioner without prejudice to the rights and contentions of either of the parties upon payment of a sum of Rs.90 lakh which might for the time being be appropriated by the Distribution Company.

Such appropriation would be subject to the final result of the writ petition and should be repayable to the writ petitioners in the event of its success, along with interest at the rate of nine per cent per annum.

Learned counsel for the petitioners further points out that in the last paragraph of the written notes of argument filed on behalf of the petitioners, it was specifically pointed out that the sum of Rs.90 lakh deposited by the petitioners should be refunded together with interest at the rate of nine per cent per annum in terms of the order passed by the learned coordinate Bench on April 5, 2019.

Learned counsel appearing for the WBSEDCL seeks an opportunity to file an opposition to the said application, apparently to controvert certain facts as contended in the present application which are unrelated to the prayer made in the application.

However, in view of the innocuous nature of the prayer made in the present application, a full-fledged hearing on affidavits is not at all required.

Since no affidavits have been directed, it is deemed that none of the allegations made in CAN 1 of 2022 are admitted by the respondents.

CAN 1 of 2022 is, accordingly, disposed of by incorporating in the order dated August 12, 2021 passed in WPA 7364 of 2019 the sentence:

The amount of Rs.90 lakh deposited by the petitioner with the WBSEDCL, pursuant to the order dated April 5, 2019, shall be refunded by the WBSEDCL, along with interest at the rate of nine per cent per annum to the writ petitioners within November 4, 2022 positively.

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

(Sabyasachi Bhattacharyya, J.)