

AD-14&15
Ct No.09
11.11.2022
TN

CPAN 762 of 2022
In
WPA No. 10059 of 2021

Basudev Paul
Vs.
Rajdeep Chanda, District Engineer, Howrah District,
the Calcutta Electric Supply Corporation Limited

Mr. Suman Ghosh

....for the CESC Limited

The parties were directed to file their affidavits in opposition and reply vide order dated September 02, 2022. Although the affidavit-in-opposition was filed by the alleged contemnor on September 30, 2022, no affidavit-in-reply has been filed at any point of time till date, although the time for filing the same was extended till November 04, 2022.

Even when the matter is called on today, none appears to represent the petitioner. As such, the right of filing affidavit-in-reply by the petitioner is closed; more so, since the contempt application is primarily between the alleged contemnor and the court. Hence, the court chooses to hear the alleged contemnor on the basis of the affidavit-in-opposition filed by the alleged contemnor. It is clear from the averments made in the affidavit-in-opposition that the petitioner failed in complying with several essential

requirements for the CESC Limited to give electricity supply to the petitioner. As for example, the meter board shed was not extended by the petitioner as per the affidavit-in-opposition and the main switch was not installed although the petitioner was informed about the same by a letter dated May 19, 2022.

Moreover, subsequently on June 24, 2022, a letter was issued to the Commissioner of Police, Howrah with copies to the Inspector-in-Charge, Golabari Police Station and the petitioner requesting assistance for installation of meter in favour of the applicant on July 07, 2022. However, the local police station did not agree to assist the CESC men and agents in view of non-deposit of necessary police costs by the petitioner pursuant to the order of this court.

In such view of the matter, since the averments made in the affidavit-in-opposition stand uncontroverted, those are accepted to be correct.

Thus, there is no scope of keeping the contempt application pending, since there is found to be no deliberate or willful violation of the order of this court on the part of the alleged contemnor.

Hence, CPAN 762 of 2022 is dismissed without any order as to costs.

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

(Sabyasachi Bhattacharyya, J.)