

14.09.2022
Item No. 27
Ct. No. 1

MAT 1259 of 2022
With
CAN 1 of 2022
CAN 2 of 2022

Pabitra Das
Vs.
CESC & Ors.

Mr. Ranjan Kumar Kali, Advocate

.... for the Appellant

Dr. Madhusudan Saha Ray, Advocate

.... for the CESC

Leave is granted to move the instant appeal,
by the Appellant.

The instant intra-court appeal is filed against
the impugned Order dated 20/07/2021 passed in
W.P.A. No. 11116 of 2021, by a Single Bench of this
Court.

Sathi Das, wife of the present Appellant filed
the original writ application against CESC praying
for restoration of electricity connection. The writ
petition was disposed of with the direction to CESC
to restore the electricity connection on payment of
actual due of Rs. 1388/-.

Aggrieved by the impugned order, husband
of the Writ Petitioner preferred the instant appeal.

Mr. Kali appearing for the Appellant submitted that there were two meters in the same premises one of which was in the name of the present Appellant which was disconnected for non-payment of legal dues. Now CESC is in the process to disconnect the electricity connection of the wife also with oblique motive, so that electricity connection in the premises remains totally disrupted.

Mr. Ray appearing for the CESC submitted that there were two electricity connections in the same premises one of which was in the name of the present Appellant and the other was in the name of the Writ Petitioner wife, disconnection of which was subject matter of the original Writ Petitioner. Electricity connection of the meter in the name of the present Appellant was disconnected earlier. Remedy was sought for in the earlier Writ Petition being W.P.A. No. 12388 of 2022 but the said Petition was dismissed in terms of the Order dated 30/06/2022 that order of the Single Bench of this Court is still unchallenged. This apart it is argued by the learned Counsel for the CESC that the impugned order hardly demands any interference.

At the time of hearing, we noted that there is a delay in preferring the appeal as the impugned Order was passed on 20/07/2021 and the present

appeal has been filed on 08/08/2022. We cautioned the learned Counsel appearing for the Appellant to file proper application with a prayer for condonation of delay. The learned Counsel continued to argue without seeking any leave to file application for condonation of delay with proper explanation. Therefore, the appeal remains time barred. In that circumstance we are not inclined to admit the appeal as the same is barred by limitation.

Therefore, the appeal is dismissed as time barred.

(Prakash Shrivastava, C.J.)

(Sugato Majumdar, J.)