

M/L. 62.
March 2, 2023.
MNS.

WPA No. 2049 of 2023

Balaram Bag
Vs.
The State of West Bengal and others

Mr. Dhana Krishna Adhikari

... for the petitioner.

Ms. Shipra Mazumder,
Ms. Sangeeta Roy

...for the State.

Mr. Kanak Kiran Bandyopadhyay

...for the WBSEDCL.

Learned counsel for the petitioner contends that the West Bengal State Electricity Distribution Company Limited (WBSEDCL), in violation of an injunction order passed by a Civil Court obtained against the private respondents by the petitioner, has installed an electricity meter of the private respondents in the meter room of the petitioner, which is situated in RS Plot No. 307, Mouza – Jagacha, which belongs to the petitioner.

It is further submitted that the petitioner has given representation to the Station Manager, WBSEDCL, Santragachi Customer Care Centre

to that effect. However, the WBSEDCL has not yet acted upon such representation for the purpose of shifting the electricity meter of the private respondents from the property of the petitioner.

Despite service, none appears for the private respondents. Affidavit-of-service filed in Court today be kept on record.

Learned counsel appearing for the WBSEDCL submits that the connection in favour of respondent no. 7 was given in the year 2017, that is, prior to the institution of the suit by the petitioner. That apart, the WBSEDCL is not a party to the said suit and, as such, there does not arise any question of violation of any order of injunction passed therein by the WBSEDCL.

Learned counsel for the WBSEDCL hands over a copy of a 'Consumer Information' generated by the WBSEDCL in support of the contention that the connection in favour of the private respondent no. 7 was given on June 28, 2017. Such document be kept with the record.

It transpires from the arguments of the parties that the petitioner has instituted a civil suit after the connection was given in favour of the private respondent no. 7. As such, *prima facie*,

there is nothing on record to indicate that the injunction order has been violated in any manner by the WBSEDCL. In any event, the WBSEDCL is also not a party to the suit and was never bound by the said order of injunction.

That apart, the petitioner has already taken appropriate recourse before the Civil Court alleging that the injunction order has been violated by the private respondents.

The Civil Court, in any event, is at liberty and within its jurisdiction to decide such question independently without being influenced in any manner by any of the observations made herein.

Such adjudication is beyond the scope of the writ court and, as such, there is no occasion for this Court to enter into the dispute raised by the petitioner at this stage.

Hence, WPA No. 2049 of 2023 is disposed of by granting liberty to the petitioner to proceed with its application before the Civil Court regarding alleged violation of injunction order by the private respondents, which will not be affected in any manner by any of the observations made herein.

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 with the requisite formalities.

(Sabyasachi Bhattacharyya, J.)