

22 13.04.2023
RP Ct. No. 01
AN

MAT 481 of 2023
With
IA No. CAN 1 of 2023
CAN 2 of 2023

Chandan Pal
Vs.
W.B.S.E.D.C.L. & Ors.

Mr. Pampa Dey Dhabal
Mr. Nikhil Kumar Gupta
... For the Appellant
Mr. B.K. Banerjee
... For the Private Respondent
Dr. Madhusudan Saha Roy
... For WBSEDCL

1. We have perused the affidavit filed in support of the application for condonation of delay and we are satisfied that sufficient causes have been shown in preferring the instant appeal. Hence, the delay in filing the appeal is condoned and the application for condonation of delay, being CAN 2 of 2023, is allowed.

2. This intra-Court appeal filed by the writ petitioner is directed against the order dated 7th June, 2022 passed in WPA 8992 of 2022. The matter concerns grant of electricity service connection to the appellant. Objection has been raised by the private respondent with regard to the manner in which electricity line was proposed to be drawn. The learned Single Bench has directed the matter to be referred to the District Magistrate, Bankura, the second respondent with a direction to examine the dispute and take appropriate action.

3. It is submitted by the learned counsel appearing for the first respondent, namely, W.B.S.E.D.C.L. that in terms of the direction issued the appellant has already applied to the District Magistrate, Bankura through his counsel on 08.06.2022 seeking for implementation of the order and direction issued in the writ petition. The appellant having accepted the order passed in the writ petition cannot now turn around and challenge the same. The grievance expressed by the learned advocate for the appellant is that no action has been initiated by the District Magistrate.

4. In the light of the same, we **dispose of** this appeal without interfering with the direction issued by the learned Single Bench but with a specific direction to the District Magistrate, Bankura to comply with the order of the learned Single Bench in its letter and spirit within three weeks from the date of receipt of the server copy of this order. The District Magistrate should note that any failure to comply with direction within the time permit will result in adverse consequences. Consequently, CAN 1 of 2023 also stands disposed of.

(T. S. Sivagnanam)
Acting Chief Justice

(Hiranmay Bhattacharyya, J.)

