

24 13.04.2023
RP Ct. No. 01
AN

MAT 500 of 2023
With
IA No. CAN 1 of 2023

Hamedur Rahaman
Vs.
W.B.S.E.D.C.L. & Ors.

Mr. Kartik Kumar Ray
Mr. Subhash Banerjee

... For the Appellant

Mr. Srijan Nayak
Ms. Rituparna Maitra

... 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 1 of 2023, is allowed.

2. This intra-Court appeal filed by the appellant is directed against the order dated 15th May, 2015 passed by the learned Single Judge by which all the writ petitions were disposed of by following the judgment passed in WP 27601 (W) of 2012.

3. It is pointed out by the learned counsel for either side that the said order passed in the writ petition was the subject matter of appeal in FMA 3291 of 2015 etc. and the Hon'ble Division Bench by judgment dated 1st February, 2016 had set aside the order and allowed the appeal and upheld the order passed by the Ombudsman.

The said appeal was filed by the West Bengal State Electricity Regulatory Commissioner. Therefore, the prayer made by the appellant that this appeal should also be disposed of in terms of the judgment of the Hon'ble Division Bench.

3. We further note that the judgment of the Division Bench was affirmed by the Hon'ble Supreme Court as the Special Leave Petition filed by the West Bengal State Electricity Distribution Company Limited in Special Leave to Appeal (C) No. (S) 15990 of 2016 was dismissed by the Hon'ble Supreme Court on 22.08.2016. It is further brought to our notice that there was a second round of litigation in which the learned Single Bench had taken a view revisiting the conclusion arrived at by the Hon'ble Division Bench. However, such order was set aside by the Division Bench on 11th March, 2020 in FMA 675 of 2020.

4. In the light of the above, this appeal stands **allowed** following the judgment of Division Bench passed in FMA 3291 of 2015 decided on 1st February, 2016.

(T. S. Sivagnanam)
Acting Chief Justice

(Hiranmay Bhattacharyya, J.)