

29 13.04.2023
RP Ct. No. 01
AN

MAT 542 of 2023

Siddheswar Sarkar
Vs.
CESC Limited & Ors.

Mr. Siddheswar Sarkar
... Appellant (in person)
Mr. Om Narayan Rai
Mr. Debanjan Mukherjee
... For CESC Limited

1. This intra-Court appeal filed by the appellant is directed against the order dated 28th November, 2022 and the order dated 22nd February, 2023 dismissing the application filed by the appellant for recalling the order dated 28th November, 2022.

2. Upon perusal of the order dated 22nd February, 2023, it appears that the learned Single Bench rightly dismissed the application for recalling on the ground that if the petitioner is aggrieved by the order dated 28th November, 2022, he should prefer an appeal before the Division Bench. Therefore, we find no ground to interfere with the said order.

3. So far as the order dated 28th November, 2022 is concerned, the learned Single Bench after taking note of the factual position directed the appellant to approach the appellate authority to challenge the final order of assessment raised with regard to the second electric meter initially standing in the name of the appellant's father. We find no error in the direction issued by the learned Single Bench. The only issue would be if the appellant approaches

the appellate authority at this juncture, the appeal may be rejected as time barred.

4. Considering the fact that the appellant is pursuing his case as a party in person and had been prosecuting the matter before a wrong forum, we direct that in the event the appellant files an appeal before the appellate authority in terms of the direction issued by the learned Single Bench, the appellate authority shall not reject the appeal on the ground of delay but shall decide the appeal on merit and in accordance with law.

5. With the above observations, this appeal stands **disposed of**.

(T. S. Sivagnanam)
Acting Chief Justice

(Hiranmay Bhattacharyya, J.)