

D/L. 8.
September 29, 2023.
MNS.

CPAN 685 of 2023
in
WPA No. 3689 of 2020

ABBB Solutions Pvt. Ltd.
Vs.
Mr. Sumit Mukherjee and another

Mr. Swarup Banerjee,
Mr. Sajal Kumar Ghosh

... for the petitioner.

Mr. Sujit Sankar Koley

...for the WBSEDCL.

Mr. Satadeep Bhattacharyya,
Mr. Saptarshi Datta,
Ms. Srinjita Ghosh,
Mr. Pourush Kanti Pal

...for the respondent nos. 4 and 5.

1. Learned counsel for the petitioner submits that the developers are required to pay the costs for giving electricity connection to the apartments, where the petitioner and other residents are residing.
2. It is submitted, in terms of the agreement between the developers and the petitioner, it is for the developers, the respondent nos. 4 and 5, to pay up for such connection.
3. Learned counsel for the West Bengal State Electricity Distribution Company Limited

(WBSEDCL) submits that the WBSEDCL has duly raised quotation and it is for the petitioner to comply with its part of the order.

4. Learned counsel for the alleged contemnor nos. 4 and 5 submits that in terms of the order under contempt, it is for the applicants to pay for the electricity charges. Insofar as the bulk connection is concerned, the developers have not yet surrendered the same, since if at this juncture, before the applicants get their individual connections, the bulk connection is disconnected, the entire building will be submerged in darkness and will have to go without electricity.
5. A perusal of the order dated September 26, 2022 shows that the writ petition was disposed of by granting liberty to the petitioner to apply jointly with all other residents of the building-in-question for a bulk connection "in the name of the residents". The respondent nos. 4 and 5 were to surrender their bulk connection as soon as the proposed application is filed by all the residents.
6. It was further observed in the said order that it will be open to the WBSEDCL to levy all charges, sanctioned by law, from the

applicants as a condition precedent of giving such bulk connection to the petitioner.

7. The petitioner now seeks to go behind the order under contempt by way of a re-appreciation of the purported agreement between the petitioner and the developers. The said exercise is not permissible in adjudicating a contempt application.
8. The tenor of the order under contempt is very clear, to the effect that the WBSEDCL is at liberty to levy all charges sanctioned by law from the applicants, that is, the petitioner and the other residents, who apply for bulk connection, as a condition precedent of giving such a bulk connection to the petitioner.
9. Hence, there are no laches on the part of the developers or the WBSEDCL, who are the alleged contemnors, but it is entirely for the petitioner and the other applicants of bulk connection to comply with the formalities in terms of the quotation raised by the WBSEDCL.
10. Having not done so, it does not lie in the mouth of the petitioner to allege contempt. The contempt petition is palpably frivolous and is required to be shut out immediately.

11. Hence, CPAN 685 of 2023 is dismissed with costs of Rs.20,000/- to the petitioner to be paid to the WBSEDCL and the alleged contemnor nos. 4 and 5/developers in equal share within a week from date for the harassment caused to the alleged contemnors by the petitioner.

12. 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.)