

D/L. 14 with 15.
March 1, 2023.
MNS.

CPAN 563 of 2022
in
WPA No. 6040 of 2022

Sabana Begum
Vs.
Sri Champak Kumar Panja and others

Mr. Bidyut Kumar Halder,
Mr. Indranil Halder

... for the petitioner.

Mr. Debanjan Mukherjee

...for the CESC Limited.

Mr. Suddhadev Adak

...for the State.

The present contempt arises out of the CESC Limited personnel allegedly failing to comply with the order of this Court dated May 5, 2022 passed in WPA No. 6040 of 2022 to give electricity connection to the petitioner.

In the third paragraph of internal page 4 of the said order, it was observed that “in the event any obstruction is faced by the CESC personnel at the time of giving such connection to the petitioner, either from the respondent no. 4 and/or his men and agents or from any other quarter, it will be open to the CESC personnel to approach

the respondent no. 3, the Officer-in-Charge of the Watgunge Police Station, for adequate police assistance for the purpose of giving such connection.”

It is submitted by learned counsel for the parties present in court today that due to no specific direction being incorporated in the said order with regard to breaking open of any padlock and in view of the padlock having been affixed at the entrance to the meter board position, the order could not be carried out by the CESC Limited or the Officer-in-Charge of the Watgunge Police Station.

It is further submitted that, in the meantime, an appeal has been preferred against the said order dated May 5, 2022, which is now pending before the concerned Division Bench.

On query of court, it is submitted by learned counsel for the petitioner that no interim order of stay has been passed in connection with the said appeal as yet.

As such, the order still remains in force, of course, subject to the result of the pending appeal.

The present case of the petitioner in the contempt application regarding the CESC Limited

being in contempt cannot stand in view of the possible ambiguity in interpretation of the order dated May 5, 2022, as portrayed by the CESC Limited.

However, there is no scope of any confusion with the order, inasmuch as the court specifically directed that the CESC Limited personnel shall give the connection to the petitioner and in the event “any obstruction” is faced by the CESC personnel at the time of giving such connection, either from the respondent no. 4 and/or his men and agents “or from any other quarter”, it will be open to the CESC personnel to approach the Officer-in-Charge of the Watgunge Police Station for adequate police assistance for the purpose of giving such connection. Hence, there is no impediment in the Officer-in-Charge of the Watgunge Police Station or the police team provided by the said Officer-in-Charge implementing the order in all possible manner by removing any obstruction which is faced from any quarter, which also includes within its contemplation to remove padlock or any other hindrance, if affixed to the entry path of the CESC personnel to the existing meter board position.

Hence, there is no question of any such confusion being there in the order-in-question.

Accordingly, in the light of the above observations, CPAN 563 of 2022 is disposed of.

All concerned shall now act in the light of the above observations while interpreting the order dated May 5, 2022 which, of course, shall be subject to the outcome of the appeal pending against the said order.

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.)