

AD-06&07
Ct No.09
02.03.2023
TN

CPAN 1387 of 2022
In
WPA No. 12089 of 2022

Bindu Bhusan Dey and others
Vs.
Mr. Sudipta Rong and another

Mr. Sk. Sahjahan Ali
.... for the applicants/petitioners

Mr. P. Das
.... for the alleged contemnors

Learned counsel for the petitioners contends that despite the specific direction of the court dated July 06, 2022 passed in WPA No. 12089 of 2022 to the effect that the alleged contemnor no.2/writ petitioner was to be given a new electricity connection for the purpose of running his saw-mill, subject to the alleged contemnor no.2 complying with all formalities as contemplated for getting such connection and also subject to the petitioner having valid permit/licence, if required by any other Statute than the 2003 Act, for the purpose of running such saw-mill, the connection was given to the alleged contemnor no. 2 without the alleged contemnor having complied with all formalities inasmuch as the permit/licence sought to be relied on by the alleged contemnor was not valid in the eye of law.

It is submitted that the concerned authorities under the relevant Act subsequently passed an order for disconnection of the electricity due to such illegality having been committed by the alleged contemnor. It is submitted that thus, the entire process of giving electricity connection to the alleged contemnor was vitiated by a deliberate and willful contravention of the direction of this court.

Learned counsel appearing for the alleged contemnors submits that there was a *bona fide* misinterpretation of the order of this court inasmuch as the Station Manager-in-question was under the impression that the alleged contemnor no. 2 had complied with all formalities, even required by the other statute regarding having a valid permit/licence. It is seen from the materials on record that apparently a so-called permit was furnished by the alleged contemnor for the purpose of obtaining electricity connection, which was subsequently held to be invalid in law. As such, it cannot be said that at the relevant juncture, the alleged contemnors were guilty of deliberate contravention of the order of this court. In view of there being a scope of ambiguity in the interpretation inasmuch as the alleged contemnors are concerned, I am of the opinion that the extreme

penal measures for contempt of court need not be imposed on the alleged contemnors.

Moreover, it is submitted that subsequently the electricity supply has already been disconnected by the WBSEDCL authorities.

In such view of the matter, CPAN 1387 of 2022 is disposed of without any 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.)