

OD 2

CC/83/2023
IN THE HIGH COURT AT CALCUTTA
SPECIAL JURISDICTION (CONTEMPT)
ORIGINAL SIDE

ASHOK KUMAR AGARWAL
VS
RAM GOPAL BANSAL

BEFORE:

The Hon'ble JUSTICE SABYASACHI BHATTACHARYYA

Date: 14th July, 2023.

Appearance:
Ms. Anju Manot, Adv.

The Court: Learned counsel for the petitioner contends that deliberate violation of the Court's order has been perpetrated by the alleged contemnor. It is contended that, vide order dated December 13, 2022 in WPO 164 of 2021, this Court directed the CESC Limited to give electricity connection to the petitioner at his premises at the existing meter board position as expeditiously as possible, positively within a fortnight from that date and/or the compliance by the petitioner, whichever is later.

However, it is seen that the alleged contemnor herein was not impleaded as a party to the said writ petition, nor was it mentioned either by the petitioner or

the CESC that any objection had been raised at that juncture by the said alleged contemnor.

Hence, at the point of time when the order was passed, there was no objection raised by the alleged contemnor, nor was the alleged contemnor aware of the pendency of the matter. Hence, the objection now raised, subsequent to the order in question, furnishes a subsequent cause of action to the writ petitioner.

That apart, since the alleged contemnor was not a party to the writ petition, the said alleged contemnor is not bound by the orders passed therein as well.

Hence, in view of the new cause of action having subsequently arisen, there is no question of this Court to issue a Rule of contemnor against the alleged contemnor, namely, Ram Gopal Bansal.

Accordingly, CC 83 of 2023 is dismissed on the observations as made above. However, nothing in this order shall preclude the petitioner from taking out a fresh writ petition on the subsequent cause of action, in view of the objection raised by Ram Gopal Bansal, the alleged contemnor herein, to the electricity connection being taken by the petitioner.

It is further clarified that the petitioner, at his choice, can either invoke the writ jurisdiction or approach the concerned District Magistrate with the grievance as raised herein.

No order as to costs.

Urgent certified website copy of this order, if applied for, be made available to the parties subject to compliance with the requisite formalities.

(SABYASACHI BHATTACHARYYA, J.)

SP/