

**IN THE HIGH COURT OF JUDICATURE AT CALCUTTA
CIVIL APPELLATE JURISDICTION
APPELLATE SIDE**

HEARD ON: 08.07.2024

DELIVERED ON: 08.07.2024

CORAM:

**THE HON'BLE MR. CHIEF JUSTICE T.S. SIVAGNANAM
AND
THE HON'BLE MR. JUSTICE HIRANMAY BHATTACHARYYA**

M.A.T. 1085 of 2024

With

IA No. CAN 1 of 2024

+

CAN 2 of 2024

Caesar Sen

Versus

The Calcutta Electric Supply Corporation Limited & Ors.

Appearance:-

Mr. Rupak Ghosh

Ms. Rashmi Bothra

Mr. Abhik Chitta Kundu

Mr. Ayan Dutta

.....For the Appellant

Mr. Madhusudhan Saha Roy

Ms. Debangana Dey Nayak

.....For the CESC Authority

Mr. Debanjan Mukherjee

.....For the respondent no.5

JUDGMENT

(Judgment of the Court was delivered by T.S. SIVAGNANAM, C.J.)

In Re: IA No. CAN 1 of 2024

1. We have heard the learned advocates for the parties.
2. There is delay of 123 days in filing the appeal. We have perused the affidavit filed in support of the petition and we find that sufficient cause has been shown for not being able to prefer the appeal within the period of limitation.
3. IA No. CAN 1 of 2024 is allowed and the delay in filing the appeal is condoned.

In Re. M.A.T. 1085 of 2024

4. This intra-Court appeal by the writ petitioner is directed against the order dated 4th December, 2023 in W.P.A. 19523 of 2023 passed by the learned Single Bench. By the said order, the learned Single Bench has directed affidavits to be filed.
5. The learned advocate for the appellant would strenuously contend that the respondent/CESC authority should be directed to disclose the details of the assessment, which they have not done.
6. In our view, this issue can be raised before the learned Single Bench.
7. Since the affidavits have already been filed as directed, we are not inclined to interfere with the impugned order passed by the learned Single Bench and leave it open to the appellant to pray for early hearing of the writ petition itself.
8. Accordingly, appeal and the connected application (CAN 2 of 2024) stand dismissed.
9. No costs.
10. Urgent photostat certified copy of this order, if applied for, be furnished to the parties expeditiously upon compliance of all legal formalities.

I agree.

(T.S. SIVAGNANAM)
CHIEF JUSTICE

(HIRANMAY BHATTACHARYYA, J.)