

23.02.2024
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RP/PG
Ct. No.1

M.A.T. 1073 of 2023
With
I.A. No. CAN 1 of 2023
With
I.A. No. CAN 2 of 2023

Atanu Mondal
Versus
The West Bengal State Electricity Distribution
Company Limited & ors.

Mr. Raghunath Chakraborty
Mr. Mahboob Ahmed.....for the appellant

Mr. Sunit Kr. Roy.....for the WBSEDCL

In Re:. I.A. No. CAN 1 of 2023

1. We have heard the learned advocates for the parties.
2. There is delay of 50 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. I.A. No. CAN 1 of 2023 is allowed and the delay in filing the appeal is condoned.

In Re:. M.A.T. 1073 of 2023

4. The unsuccessful writ petitioner is the appellant in this appeal. The writ petition was filed for shifting of a transformer, which has been erected in the land owned by the writ petitioner/appellant and admittedly, the

transformer has been in the said location for nearly 40 years.

5. The prayer for shifting was considered by the West Bengal State Electricity Distribution Company Limited and the Divisional Engineer has sent a communication on 20th July, 2022 stating that the prayer for shifting has not been processed due to improper documentation and the reasons have also been assigned.
6. The learned Single Bench had dismissed the writ petition. However, since the respondent/distribution company has sent a communication stating that the application could not have been processed because of improper documentation, we leave it open to the appellant to approach the respondent/distribution company and comply with all the requirements, after which the application given by the appellant will be considered on merits and in accordance with law.
7. With the aforesaid observations, the appeal and the connected application (I.A. No. CAN 2 of 2023) stand accordingly, disposed of.
8. No costs.
9. Urgent photostat certified copy of this order, if applied for, be furnished to the parties expeditiously upon compliance of all legal formalities.

**(T.S SIVAGNAM)
CHIEF JUSTICE**

(HIRANMAY BHATTACHARYYA, J.)