

D/L.18.
September 27, 2024.
MNS.

CPAN No. 1143 of 2024
in
WPA No. 14190 of 2024

Afjal Alam
Vs.
Mr. Faruk Sk.

Md. Kutubuddin

...for the petitioner.

Dr. Madhusudan Saha Roy

...for the alleged contemnor.

1. The affidavit-in-opposition and affidavit-in-reply filed today be kept on record.
2. Learned counsel for the alleged contemnor places reliance on the annexures to the affidavit-in-opposition and submits that the West Bengal State Electricity Distribution Company Limited (WBSEDCL) sought to comply with the order dated May 22, 2024, passed in WPA 14190 of 2024 by installing as many as five PCC poles.
3. However, when the connection was attempted to be given to the petitioner, stiff resistance was faced in the locality, upon which immediately a complaint was lodged with the concerned District Magistrate within the contemplation of Rule 3 of the Works of Licensees Rules, 2006. The said

complaint is annexed at page 8 of the affidavit-in-opposition and is dated June 20, 2024.

4. Learned counsel for the petitioner submits that the WBSEDCL has made such averments merely to cover up its non-compliance of the Court's order. It is pointed out that at the time of passing the order, the WBSEDCL did not take any stand to the effect that they were facing any resistance. That apart, there is neither any police complaint nor any other corroborative document to indicate that actually the WBSEDCL had faced resistance.
5. However, in a contempt application, subsequent cause of action and its merits cannot be gone into. It is seen from the order dated May 22, 2024 that the WBSEDCL was directed to give electricity connection within four weeks subject, of course, to compliance of all formalities by the petitioner. Although the petitioner has complied with formalities substantially, it has been pointed out that no way-leave permission was produced. It cannot be denied that the petitioner has a point there to the effect that no way-leave permission

was necessitated since no objection from the people in the neighbourhood was pointed out by the WBSEDCL initially.

6. However, fact remains that the WBSEDCL, in all earnest, attempted to give electricity connection to the petitioner and for such purpose, installed five PCC poles. Yet, in view of resistance from the locality, the WBSEDCL has duly referred the matter to the concerned District Magistrate immediately thereafter. Hence, it cannot be said that the WBSEDCL or its officials are guilty of willful or deliberate violation of the order of this Court. In fact, due process of law has been followed by the WBSEDCL in referring the matter to the District Magistrate.
7. The contention of the petitioner that there was no actual resistance can only be dealt with by the District Magistrate in the proceeding before it and it would be premature for this Court, in contempt, to comment on such a situation.
8. Accordingly, since the WBSEDCL has substantially complied with the order of this Court, CPAN No.1143 of 2024 is dismissed.

9. However, it is made clear that this Court has not entered into the merits of the issues pending before the District Magistrate and the same will be dealt with by the concerned District Magistrate duly in accordance with law.

10. There will be no order as to costs.

(Sabyasachi Bhattacharyya, J.)