

9th February,
2024
(AK)
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C.P.A.N 1189 of 2023
In
WPA 9235 of 2023
With
WPA 10412 of 2023

Smt. Anju Devi
Vs.
Sri Abhishek Sarkar and others

Mr. Ayan Banerjee
Mr. Suman Banerjee
...for the petitioner.

Mr. Somnath Bose
...for the CESC Limited.

Mr. Saptanshu Basu
Mr. Javed K. Sanwarwala
Mr. S. A. Sanwarwala
...for the alleged contemnor nos.3, 4 & 8.

1. A peculiar predicament has arisen in the contempt application.
2. It transpires from the affidavit-in-opposition filed by the alleged contemnor/CESC Limited today that the Howrah Municipal Corporation has informed the CESC Limited that the occupied portion of the petitioner herein is 16/1, Round Tank Lane, Howrah-711101 and not 20, Round Tank Lane.
3. The petitioner contends that the petitioner initially applied for electricity connection at 16/1, Round Tank Lane, Howrah.

4. However, subsequently vehement objection having been raised by the private respondents, the petitioner applied afresh for getting connection at 20, Round Tank Lane.
5. Accordingly, the writ petition was disposed of and by the parent order of this court, it was directed that electricity connection be given to the petitioner at the petitioner's residence at or near 20, Round Tank Lane without disturbing the possession of the residents of 16/1, Round Tank Lane.
6. Learned senior counsel appearing for residents of 16/1, Round Tank Lane vehemently opposes the contempt application and submits that even as per the order of this court, the possession of the said residents cannot be disturbed.
7. It transpires that now it has been clinched beyond doubt in view of the version taken by the Howrah Municipal Corporation, that the petitioner is residing at a portion of 16/1, Round Tank Lane.
8. Hence, it cannot be said that there has been contempt of the order-in-question where it was specified that the petitioner is to be given electricity connection at her residence in or near 20, Round Tank Lane without disturbing the residents of 16/1, Round Tank Lane.
9. Hence, contempt does not lie in respect of the parent order.

10. However, the petitioner would be now at liberty to apply afresh for getting electricity connection at her residence at 16/1, Round Tank Lane, since the Howrah Municipal Corporation has clearly indicated that the petitioner resides there.
11. If such an application is made, the same shall be processed in due course of law by the CESC Limited.
12. CPAN 1189 of 2023 is disposed of with the above observations.
13. There will be no order as to costs.

Urgent photostat copies of this order, if applied for, be given to the parties upon compliance of all requisite formalities.

(Sabyasachi Bhattacharyya, J.)