

AD-06
Ct No.09
08.03.2024
TN

CPAN 1281 of 2023
In
WPA No. 21733 of 2019

Shyam Sundar Bera
Vs.
Sri Santanu Basu and others

Mr. U.K. Jana,
Mr. Syed Murshid Alam,
Mr. Subrata Ghosh,
Ms. Amrita Sen,
Mr. Prithiraj Biswas

.... for the petitioner

Mr. Srijan Nayak,
Ms. Mitali Bhattacharya

.... for the WBSEDCL

- 1.** The original order regarding which contempt has been alleged merely directed the alleged contemnors to give electricity connection to the petitioner. However, during pendency of the contempt application, it was recorded in an order dated February 09, 2024 that irrespective of the ownership of the passage, the WBSEDCL shall give the electricity connection to the petitioner pursuant to the order of this court.
- 2.** It was the contention of the WBSEDCL itself that if the connection is given, it should be given over the passage which leads to the petitioner's property and not over somebody else's property, which was the premise of such observation by this court.
- 3.** Two components are required to be considered here.

4. First, in contempt, the scope of the original order cannot be enlarged on merits. Secondly and more importantly, it was the WBSEDCL which had expressed inconvenience in giving the connection over somebody else's property and insisted upon giving it over the common passage.
5. Since subsequently the WBSEDCL has given the connection to the petitioner in pursuance of the original order of this court which is under contempt, *albeit* over the property of an adjacent owner who, according to the WBSEDCL, has given written consent to such connection being taken, this court is unable to understand as to how the petitioner can allege contempt of the order of this court. The petitioner has got the electricity connection as per direction of this court. The inconvenience on the part of the WBSEDCL in giving the connection over somebody else's property has been resolved by the WBSEDCL itself by taking written consent from the adjacent owner.
6. Thus, there is no issue of contempt which remains alive.
7. Accordingly, CPAN 1281 of 2023 is disposed of without any order as to costs.
8. The rejoinder to the report filed by the petitioner today be kept on record.

9. Urgent photostat certified copies of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

(Sabyasachi Bhattacharyya, J.)