

03.01.2024
Item No.8
Ct. No.1
PG/KS

M.A.T. 2131 of 2023
With
IA No. CAN 1 of 2023

ABBB Solutions Pvt. Ltd.
Versus
Mr. Sumit Mukherjee, Chief Engineer,
Distribution, WBSEDCL & Ors.

Mr. Swarup Banerjee
Mr. Sajal Kumar Ghosh
.....for the Appellant

Mr. Sujit Sankar Koley
.....for the W.B.S.E.D.C.L.

Mr. Satadeep Bhattacharyya
Mr. Saptarshi Datta
Ms. Srinjita Ghosh
Mr. Pourush Kanti Pal
Mr. Debdut More
.....for the respondent no.3.

1. This intra-Court appeal is directed against an order dated 29th September, 2023 in CPAN 685 of 2023. The said contempt application was filed by the appellant alleging willful disobedience of the order and direction issued in WPA 3689 of 2020.
2. The learned Single Bench after considering the matter has dismissed the contempt petition by holding that it is palpably frivolous and is required to be shut out immediately and has also imposed cost of Rs.20,000/- while dismissing the contempt application.

3. The learned advocate appearing for the appellant made elaborate submissions and has drawn our attention to all the documents, which have been annexed to the stay petition.
4. After elaborately hearing the arguments of the learned advocate for the appellant, we find that essentially the dispute is between three private parties i.e. the appellant herein and the respondent nos.4 and 5, who are stated to be the landlords/lessee and developer. The question is, who is to pay the charges to the electricity department for obtaining a bulk connection.
5. In our considered view, the learned Single Bench was fully justified in not entertaining the contempt application. Apart from that, we are also of the firm opinion that no case has been made out for initiating action under the Contempt of Courts Act as there is no violation or much less alleged violation, which has been pointed out by the appellant.
6. Though initially, we were inclined to set aside the cost, which was imposed by the learned Single Bench, after elaborately hearing the learned advocate for the appellant, we are not inclined to do so.
7. Consequently, the appeal alongwith the connected application (IA No. CAN 1 of 2023) stand dismissed.
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. SIVAGNANAM)
CHIEF JUSTICE

(SUPRATIM BHATTACHARYA, J.)