

1st March,
2024
(AK)
07

C.P.A.N 1611 of 2023
In
WPA 18342 of 2023

Ek Nath Khan
Vs.
Arvind Sharma and another

Mrs. Gopa Roy
Dr. Madhusudan Saha Roy
...for the alleged contemnor no.1.

1. None appears for the petitioner at the time of call.
2. Learned counsel for the alleged contemnor no.1 places reliance on the affidavit-in-opposition where it has been indicated that the petitioner himself did not comply with most of the formalities for getting electricity connection.
3. The order under contempt specified that the connection was to be given subject to compliance of formalities.
4. Secondly and more importantly, learned counsel for the alleged contemnor no.1 relies on the photograph annexed to the affidavit-in-opposition and that handed over in court today which show that the property is entirely waterlogged, making it impossible to erect posts for giving connection to the petitioner.

5. Since the WBSEDCL has repeatedly written to the petitioner, as evidenced from the annexures at page-17 and page-19 of the affidavit-in-opposition, requesting the petitioner to inform them when the water is drained out, alternatively to provide an alternative feasible route, but the petitioner fail to respond to the same, it cannot be said that there was willful and deliberate violation of the order of this court on the part of the alleged contemnor no.1.
6. Furthermore, despite having been given repeated opportunities and extensions of time to file affidavit-in-reply, no such affidavit-in-reply comes forth from the end of the petitioner.
7. In such view of the matter, keeping the photograph handed over in court today on record, this court is of the opinion that no case of willful and deliberate violation of the court's order has been made out.
8. Accordingly, CPAN 1611 of 2023 is dismissed.

(Sabyasachi Bhattacharyya, J.)