

20.12.2024
Sl. No.9(DL)
srm

CPAN 1890 of 2024
In
W.P.A. No. 24546 of 2024
M/s. ABC Ganapati Fiehseries
Versus
Santanu Basu & Ors.

Mr. Naba Kumar Das,
Ms. Diana Ghosh Dastidar
...for the Applicant/Petitioner.

Mr. S.S. Koley
...for the Alleged Contemnors.

This is an application for contempt of an order dated September 27, 2024 passed in WPA No.24546 of 2024.

The order records as follows:-

“This court cannot pass any order, thereby reducing the claim of the authority, when the same has been upheld by the Grievance Redressal Officer.

This court should not entertain the writ petition, but is doing so only on the undertaking given by the learned advocate for the petitioner upon instruction, that the suit will be withdrawn.

Under such circumstances, the court deems it fit that on equitable consideration and in order to ensure that the business of the petitioner does not stop completely, one last opportunity should be granted to the petitioner to liquidate the entire demand by way of instalments.

As the amount is huge, this court directs that upon payment of Rs.10,00,000/- within 10 days from

date and reconnection charges, the authority shall reconnect the supply line, provided that the suit has been withdrawn.

With regard to the remaining amount, the authority will issue a bill with the amount and the date of payment of the entire amount in ten equal monthly instalments."

It is submitted by Mr. Koley, learned Advocate for the alleged contemnors that an amount of Rs.10,00,000/- had been paid by the petitioner within 10 days from the date of the order and the supply line was reconnected. With regard to the remaining bill and the payment of instalments, the authority issued a bill with the amount and the date of the payment of the remaining amount in ten equal monthly instalments.

The Court had recorded that a sum of Rs.35,45,481/- was claimed from the petitioner and demand was upheld by the Grievance Redressal Officer.

Thus, Mr. Das's contention now is that the Late Payment Surcharge has been again levied, contrary to the order of this Court and an excess of 1/10th of the amount have been claimed in the bill. The petitioner has also not been able to show that there is blatant violation of the order of this Court.

This Court did not debar claim of LPSC. If the petitioner is aggrieved by the bill, calculation and the

quantum of money claimed, the remedy of the petitioner would be to approach the appropriate forum for necessary orders. The factual aspect which has been raised by Mr. Das, cannot be decided in contempt.

The contempt application is disposed of. The contempt proceeding is dropped.

A copy of the contempt application be served upon the Mr. Koley.

Parties are to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)