

Ct No.10
AD- 24
18.07.2025
(SSS)

CPAN 71 of 2025
in
WPA 11795 of 2024

Raja Sekh and Anr.
Vs.
Sk. Babu Hossain and Anr.

Mr. Prosenjit Mukherjee,
Ms. Tiya Ghosh
....For the Petitioners.

Mr. Debanjan Mukherjee
.....For the alleged Contemnors.

1. Learned Counsel appearing for the petitioners submits that in defiance of the order dated May 1, 2024 passed in WPA 11795 of 2024, the alleged contemnors have not raised a quotation on the basis of the petitioners' application for electricity connection, despite it being ascertained that no SWID certificate is necessary in the locality.

2. Learned Counsel takes the court through the order dated May 1, 2024, wherein leave was given to the petitioners to apply for electricity connection in proper format and upon such application being made, the same was to be processed by the WBSEDCL, including giving consideration as to whether a SWID

certificate would be necessary to get such connection, and to raise a quotation in that regard.

3. It was further observed in the order that in the event the petitioners comply with all the formalities, the WBSedCL shall give the connection to the petitioners as expeditiously as possible.

4. Learned Counsel for the alleged contemnors submits that in compliance of the order, it was considered whether SWID certificate is necessary. Upon it having been ascertained that no such certificate was necessary in the concerned area, the application filed by the petitioner was entertained and an inspection undertaken, upon which it was found that giving electricity connection to the petitioner was not techno-commercially feasible.

5. Learned Counsel relies on an Office Order bearing No. EDD/75 dated September 30, 2024 in that regard. Accordingly, it is submitted that the application of the petitioner was rejected vide Memo No. PKR/CCC/Estb/19 dated April 7, 2025. In the said rejection order, it was recorded that after careful inspection and subsequent estimation, it has been determined that the total cost of the proposed scheme amounts to Rs. 4,08,301.03 p. On such count, the application was rejected on the ground of techno-commercial feasibility.

6. Upon a consideration of the order under contempt, it is seen that this court had observed that there was nothing on record to show that an application for electricity connection had, at that stage, been formally filed by the petitioners. As such, liberty was given to the petitioners to file such application in appropriate format, on the observation that it would be premature for the writ court to interfere in view of there being no application.

7. While making such observations, it was further recorded in the order that in the event a proper application was made, the WBSEDCL shall consider whether a SWID certificate was necessary and in the event it was not so required, shall raise a quotation.

8. However, as it transpires, upon such application being made, it was found that giving electricity connection was not permissible under the Office Orders of the WBSEDCL and the extant Regulations of the WBERC, in view of the connection not being techno-commercially viable.

9. The argument of the petitioners that there is a contempt of the court is not tenable, since the writ court itself had observed that at that juncture there was no pending application and there could not have been any adjudication in that regard.

10. The alleged contemnors have, in compliance of the order of this court, duly ascertained that no SWID

certificate was required in the locality and have accepted the application of the petitioners for electricity connection, whereupon an inspection was held and it was discovered that giving such connection was techno-commercially not feasible, in terms of the extant Office Orders and Regulations.

11. It was also indicated in the order rejecting the petitioners' application that the cost of the proposed scheme would amount to Rs. 4,08,301.03 p.

12. Although, strictly speaking, the WBSEDCL ought to have raised a quotation in respect of such amount instead of rejecting the application of the petitioners outright, this court is of the opinion that there has been no deliberate violation of this court's order of such a nature that the alleged contemnors should be penalized for contempt of court.

13. However, it is made clear that if the petitioners are willing to pay the amount of Rs. 4,08,301.03/-, the petitioners shall approach the WBSEDCL in writing with such proposal. In such event, the WBSEDCL shall consider whether the electricity connection can be given to the petitioners.

14. However, the above observations are without prejudice to the rights and contentions of the parties in the event the petitioners, being aggrieved by the fresh action of the WBSEDCL in rejecting the petitioners' application on the ground of techno-

commercial feasibility, prefer a challenge against the same before the appropriate forum/court. If any such challenge is preferred, it will be open to the forum/court taking up the same to independently adjudicate the same without being prejudiced in any manner by any of the observations made in connection with the contempt application.

15. CPAN 71 of 2025 is thus disposed of, with liberty to the petitioners to challenge the rejection of the petitioner's application for electricity connection on the ground of techno-commercial feasibility before the appropriate forum/court.

16. No order as to costs.

(Sabyasachi Bhattacharyya, J.)