

30.07.2025.
Item No. 19.
Court No. 13
ap

M.A.T. No. 109 of 2022
With
I.A. No. CAN 3 of 2025
Robiul Rahaman Shah & Anr.
Versus
Rupsana Bibi & Ors.

Mr. Niraj Gupta.

...For the appellants.

Mr. Debjit Mukherjee.

...For the WBSEDCL.

1. For the reasons already recorded in the order dated 10th June, 2025, the impugned order shall stand set aside.

2. The matter is remanded back to the learned Single Judge of this Court for consideration afresh.

3. The appellants shall be added as party respondents to the writ petition.

4. Learned Counsel for the WBSEDCL submits that electricity connection has already been given to Rupsana Bibi, the writ petitioner, on 5th January, 2022.

5. There appears to be a civil suit also pending between the parties which has been suppressed before the learned Single Judge and the learned Single Judge shall factor in the said Civil Suit being Title Suit No. 219 of 2018 now pending before the learned Civil Judge (Senior Division) 2nd Court, Paschim Midnapore along with the objection of the appellants and take up the writ petition afresh for disposal.

6. The appellants, added respondent and the writ petitioner may file affidavit-in-opposition to the main writ petition within a period of two weeks from date. Reply, if any, thereto be filed one week thereafter.

7. Liberty is granted to the parties to mention the writ petition for early hearing before the learned Single Judge of this Court.

8. Grant of electricity connection to the writ petitioner/private respondent, namely, Rupsana Bibi shall abide by the result of the writ petition.

9. Since WBSEDCL has not used any affidavit, the allegations contained in the pleadings in the appeal against them shall not be deemed to have been admitted by them.

10. With the aforesaid directions, M.A.T. 109 of 2022 shall stand disposed of.

11. In view of disposal of the appeal itself, the connected application being CAN 3 of 2025 shall also stand dismissed.

12. There will be no order as to costs.

13. All parties are directed to act on a server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)

(Ajay Kumar Gupta, J.)

