

S/L 6
24.11.2025
Court. No. 25
suwayan

CAN 1 of 2025
In
WPA 21239 of 2025

Smt. Jharna Dey & Ors.
Vs.
West Bengal State Electricity Distribution
Company Limited & Ors.

Mr. Gautam Lahiri

...for the petitioners.

Dr. Madhusudan Saha Ray

...for W.B.S.E.D.C.L.

1. The petitioners have filed the present application being CAN 1 of 2025 praying for recalling of the order dated September 18, 2025 wherein the writ petition was dismissed for default for non-appearance of the petitioners on call.
2. Learned counsel for the petitioners submits that the counsel for the petitioners missed the list due to which the learned advocate appearing for the petitioners could not appear before this Court when the matter is called on September 18, 2025. Accordingly, he prayed for the recalling of the order dated September 18, 2025.
3. Learned counsel for the petitioners argued the matter on merits and submits that initially, the petitioners have filed the writ petition before this Court being WP 18006 (W) of 2003 and the said writ petition was disposed of by giving a liberty to the petitioner to make a representation ventilating his grievances to the Secretary, Department of Power, West Bengal within 10 days from date. In the event any such representation is made by the petitioners,

the Secretary shall consider and dispose of the said representation of the petitioners after obtaining report from the competent technical person or persons within a period of one month from the date of submission of such representation.

4. In the said order, it is also made clear that in the event the request of the petitioner is rejected, the Secretary shall pass a reasoned and speaking order and shall communicate the same to the petitioners within a week from the date of passing of the order.
5. In compliance of the said order, the Principal Secretary, Power Department of Government of West Bengal has passed a reasoned and speaking order by holding that “under the circumstances, I find no logic in the argument advanced by Singur Haripal Rural Electric Co-operative Society Limited and direct the above mentioned society to immediately relocate the transformer so that minimum statutory clearance is maintained. The work shall be carried out by the co-operative society within 30 days from the date of communication of this order”.
6. In spite of the said order, the said society has not complied with the order accordingly, the petitioners have made further writ application before this Court being WP 14716 (W) of 2007 and this Court has disposed of the said writ petition on August 23, 2007 by directing the respondent no. 3 to depute an authorized person to carry and give effect to the order dated September 30, 2004 preferably within a period of four weeks from the date of communication of the order.

7. It is submitted by the learned counsel for the petitioners that in spite of the specific order passed by this Court dated August 23, 2007 the order could not be carried out, accordingly, the petitioners have made a representation but till date the order has not been carried out. In the meantime the society namely, Singur Haripal Rural Electric Co-operative Society Limited has been dissolved and the W.B.S.E.D.C.L. has taken the charge of the said society in the year 2008. The contention of the writ petitioner that now the W.B.S.E.D.C.L. is the authority to carry out the order passed by this Court but till date the same has not been carried out. Accordingly, the petitioners have filed the present writ application.
8. Learned counsel for W.B.S.E.D.C.L. submits that the writ petition filed by the petitioners is barred by limitation and is liable to be dismissed. He draws attention of this Court to the communication dated November 7, 2007 wherein the learned advocate appearing for the society informed the learned advocate for the petitioners by the said communication which reads as follows:

“Upon receiving the above referred Notice by my client handed over the same to me, to reply against the said notice which are as follows:

- (1) In terms of the order dated 23.08.07 passed by the Hon’ble Justice Patheriya in WP No. 14716 (W) of 2007, the Managing Director being the respondent no. 3 deputed an authorized personnel Asst. Engineer of the Society, to carry and given effect to the order dated 30th September,*

2004 and accordingly the said Asst. Engineer carried out the said order dated 30th September, 2004 passed by P. Roy, Department of Power Govt. of West Bengal as directed by the Hon'ble Court and the transformer has been reallocated and the statutory clearance is now maintained.

(2) Accordingly, I am further instructed by my client that my client complied the solemn direction passed by the Hon'ble Justice N. Patheriya in WP No. 14176 (W) of 2007 and as such there is no question be arised for willful violation as alleged in your said Notice.

(3) In the premises, you are requested to advice your client to withdraw the said notice immediately as my client complied solemn direction of the Hon'ble Court as mentioned hereinabove."

9. He submits that the communication made by the learned advocate for the society to the learned advocate for the petitioners dated November 7, 2007 has not been challenged. Now after the period of 18 years the petitioners have filed the present writ application.
10. Heard the learned counsel for the respective parties.
11. This Court finds that the petitioners have shown sufficient cause for non-appearance before this Court when the matter is taken up for hearing. Accordingly, the order dated September 18, 2025 is recalled and the writ petition is restored in its original file.
12. Accordingly, CAN 1 of 2025 is disposed of.
13. With the consent of both the parties, writ petition is taken up for hearing on merit.

14. After hearing the learned counsel for the respective parties, this Court finds that on August 23, 2007 this Court has directed the respondent no. 3 to depute an authorized person to carry and give effect to order dated September 30, 2004. The petitioners have suppressed the communication dated November 7, 2007 as stated above wherein it has been categorically informed to the learned advocate for the petitioners that in terms of the order dated August 23, 2007 passed by this Court the managing director deputed an authorized person, Assistant Engineer of the society to carry and give effect to the said order on September 30, 2004 and accordingly, the said Assistant Engineer carried out the said order dated September 30, 2004. The said communication is not under challenge, now the petitioners have stated that the said communication is not in accordance with law and the respondent no. 3 is not complied with the said order.
15. Considering the above, this Court finds that in the year 2007 itself the petitioners have received a communication from the learned advocate for the society that the society has complied with the order and the petitioners have not challenged the said order. Now after the period of 18 years, the petitioners are filed the present writ application praying for the similar relief by suppressing the communication dated November 7, 2007.
16. Considering the above, this Court finds that the order passed by this Court dated August 23, 2007 has already

complied and the same was communicated to the petitioners by a letter dated November 7, 2007. Now the petitioners have filed the present writ application after the period of 18 years which is hopelessly barred by limitation.

17. Accordingly, the writ petition is dismissed.
18. However, there shall be no order as to costs.
19. Urgent Xerox certified copy of this order, if applied for, be given to the parties upon compliance of all necessary formalities.

(Krishna Rao, J.)