

S/L 4
12.12.2025
Court. No. 25
sourav

**WPA 21844 of 2025
With
CAN 1 of 2025**

**Bharat Sanchar Nigam Limited (BSNL)
Vs.
The State of West Bengal & Ors.**

Mr. Sanajit Kumar Ghosh

...for the petitioners.

In Re: CAN 1 of 2025

1. The petitioner has filed the present application being CAN 1 of 2025 praying for recalling of the order passed by this Court dated September 18, 2025 wherein the WPA 21844 of 2025 was dismissed for default for none appearance of the parties when the matter was called.
2. Learned counsel for the petitioner submits that when the case was taken up for hearing on 18.09.2025, the learned counsel for the petitioner was not able to appear before this Court as the petitioner was arguing the matter before Court No. 8 and immediately, when the petitioner came to know that this Court has dismissed the writ application for default, on 24.09.2025, the petitioner has filed the present application for recalling of the order.
3. The petitioner has filed the affidavit-of-service showing the service upon all the respondents but the respondent no. 2 refused to accept the same. The Affidavit-of-service be taken on record.
4. Considered the submission made by the learned counsel for the petitioner. This Court finds that the petitioner has shown sufficient cause.

5. **CAN 1 of 2025** is disposed of.
6. WPA 21844 of 2025 is restored to its original file.

In Re: WPA 21844 of 2025

1. Now this Court has taken the writ petition on merit.
2. It is found that the grievance of the petitioner before this Court is that the petitioner is having the telecom BTS tower in the premises of the private respondents. When the petitioner went for maintenance of tower finds that the electric connection has been disconnected. Accordingly, on October 4, 2024 the petitioner has made an application before the Inspector-in-Charge, Ranaghat P.S. for taking appropriate steps. The petitioner has also sent a request to the private respondents for restoration of the electric connection but the same has not been restored. Accordingly, the petitioner has filed the present writ application.
3. This Court finds that in the prayer portion, the petitioner has prayed for a direction for restoration of the electric connection. But the petitioner has not made any request to the WBSEDCL for restoration of the connection. The petitioner has made a request to the private respondents. This Court also finds that the private respondent has initiated a civil suit against the petitioner and has obtained the *ex parte* decree as the petitioner being the defendant failed to appear in the suit.
4. Subsequently, when the private respondent filed an application for execution of the decree, the petitioner

has filed an application under Order 9 Rule 13 of CPC for recalling of the *ex parte* decree and prayed for stay of the execution proceeding. Accordingly, the learned Civil Judge (Junior Division), 1st Court, Ranaghat, Nadia has stayed the execution proceeding and the Order 9 Rule 13 CPC is still pending.

5. Though the petitioner has made WBSEDCL as a party in the present case, but no representation has been made to the WBSEDCL for restoration of the electric connection. The petitioner has made a request to the private respondent but against the private respondent, this Court cannot pass an order for restoration of the electric connection as the dispute between the parties is pending before the learned Civil Court.
6. Accordingly, this Court does not find any merit in the present writ application and accordingly, **WPA 21844 of 2025** is dismissed. However, the dismissal of the present writ application will not prevent the petitioner for taking appropriate steps for restoration of the electric connection before the appropriate authority.

(Krishna Rao, J.)