

57. 09.12.2025
Court No.8
(Tanmoy)

FMA/1703/2025
IA NO: CAN/1/2025

SANTOSH JAISWAL
VS

RACHANA SINGH @ RACHNA SINGH AND ORS.

Mr. Souri Ghosal

...for the appellant/applicant.

Mr. Shyamal Kr. Das
Ms. Krishna Yadav

...for the respondent no.1/
writ petitioner.

Mr. Aayush Sharma

...for CESC.

Dictated by Arijit Banerjee, J.

1. Affidavit of service filed in Court today be kept with the records.
2. By consent of the parties, the appeal and the connected application are taken up together for hearing.
3. The respondent no.5, in the writ petition filed by the respondent no.1 herein, has come up by way of this appeal against a judgment and order dated September 25, 2025, passed in WPA No: 22991 of 2025, whereby the writ petition was disposed of by a learned Single Judge of this Court.
4. In effect, the learned Single Judge has allowed the prayer of the respondent no.1/writ petitioner to direct the officials of Calcutta Electric Supply Corporation (CESC) Limited to undertake fresh

inspection and if found feasible, to provide electricity connection to the writ petitioner notwithstanding the ongoing dispute concerning execution of Sale Deed in respect of the concerned premises.

5. The appellant says that there was gross suppression of material facts before the learned Single Judge. There are orders of other fora which have material bearing on the present proceeding which were not disclosed by the writ petitioner. The order under appeal should be set aside.

6. We see from the impugned order that the appellant herein, the respondent no.5 in the writ petition, chose not to appear before the learned Single Judge on the day the writ petition was disposed of. To our query as to why the appellant stayed away from the writ proceeding, learned Counsel tells us that inadequate notice of the writ petition was given to the appellant.

7. We do not find the explanation furnished to be very convincing. However, if the appellant has a just and sufficient cause for which he could not appear before the learned Single Judge, nothing will prevent him from approaching the learned Single Judge with an appropriate application, in accordance with law.

8. We are not inclined to entertain this appeal which stands dismissed along with the connected application. There will be no order as to costs.

9. We make it clear that we have not touched the merits of the case at all.

10. Since we have not invited affidavits, the allegations made in the stay petition are deemed not to be admitted by the respondents in this appeal.

11. Urgent Photostat certified copy of this order, if applied for, be made available to the parties upon compliance with all requisite formalities.

(Apurba Sinha Ray, J.)

(Arijit Banerjee, J.)