

Item No.11
24.03.2026
Court. No. 12
GB

MAT 458 of 2026
With
CAN 1 of 2026

India Power Corporation Limited & Ors.
Vs.
BTS Infratech Limited & Anr.

Mr. Sukanta Chakraborty,
Mr. Anindya Halder

...for the Appellants.

Mr. Shyamal Sarkar, Sr. Adv.,
Mr. Rajesh Kumar Gupto,
Mr. Aditya Chakraborty,
Ms. Ankita Upadhyay Agarwal,
Mr. Titas Sasmal

...for the Respondents.

1. We are not inclined to interfere with the order dated March 5, 2026, passed by a learned Single Judge, restraining the appellant from taking coercive steps in respect of a demand of 2022. A billing dispute is pending adjudication before the Ombudsman. His Lordship had not expressed any opinion on the merits of the claim and left the issues to be decided by the Ombudsman, in accordance with law.
2. The distribution company cannot be aggrieved by such order. At present His Lordship had left the decision to the authority empowered by the statute in this regard. In the event coercive steps are taken, the challenges in the writ petition will become infructuous.
3. It appears that by order dated March 17, 2026, His Lordship further clarified that the Ombudsman should be directed to dispose of the appeal on merits

within seven days from the date of communication of the order. It was further clarified that the Ombudsman would not grant any unnecessary adjournment. The third paragraph of the order dated March 17, 2026, clearly indicates that the order was passed on the consent of the parties. The first sentence of Page-2 of the also order indicates that the order was passed at the invitation of both the parties. His Lordship left all questions open to be decided before the Ombudsman, in accordance with law. The matter has been made returnable on March 27, 2026.

4. Under such circumstances, in the absence of any patent illegality in the order passed by the learned Single Judge, we are not inclined to interfere with the order.
5. Under such circumstances, the appeal and the connected application are dismissed.
6. All points which are available, including the point of maintainability shall be raised before His Lordship by the appellants.
7. Parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)

(Ajay Kumar Gupta, J.)