

Present: Smt. Suparna Ray (JO code WB00711)
Judge, Commercial Court at Alipore
Title Suit No. 30/2023
Renumbered as TS (Com) 67 of 2023
CNR no. WBSP18-000146-2023

Order No. 17
26.06.2025

In the matter of:
Suit for Declaration, Perpetual
and Mandatory Injunction and
other appropriate reliefs
valued at Rs. 1,20,00,000/- only.

And

In the matter of:
Prakaash Bhutoria

Vs.

Tirupati Carrier Limited

ORDERED

Today is fixed for further order.

Hazira filed on behalf of the plaintiff through Ld. Advocate.

Ld. Advocate for the plaintiff is present.

Hazira also filed on behalf of the defendant no. 1 through Ld. Advocate and hazira is filed on behalf of the defendant no. 2 and 3 through Ld. Advocate.

Ld. Advocates of defendant no. 1 and Ld Advocate of defendant no. 2 and 3 - are present.

Heard both sides.

From the materials on record, it appears that on 12.04.2024, this court received the copy of order dated 08.12.2023 and 09.01.2024 passed by the Hon'ble High Court at Calcutta in FMAT No. 551 of 2023 with CAN No. 1 of 2023.

In the order dated 09.01.2024 passed by the Hon'ble High Court at Calcutta in FMAT No.1 of 2023 with CAN No. 1 of 2023 , the Hon'ble High Court at Calcutta has been pleased to observe as follows:-

“.....The respondent no. 2/the developer represented by learned advocate Mr. Rajarshi Dutta admits that the payment for this permanent electricity connection is his client's responsibility, and that his client is prepared to pay it.

In those circumstances, the respondent no. 2 is directed to take all such steps that are necessary for this purpose, including making payment of the charges payable to WBSEDCL on a quotation to be raised by the distribution company by 31st January 2024, by 16th February 2024.

As electricity is a necessity of life and numerous persons are involved, the distribution company is directed to take most expeditious steps in providing permanent electricity connection to the concerned bungalow and flat owners.

In the meantime, the developer, the respondent no. 2 and WBSEDCL shall ensure that the existing electricity connection to Topaz bungalow owners is maintained upon the consumers paying the electricity charges punctually.

This order will not prevent WBSEDCL from providing individual supply to bungalow or flat owners upon payment of special charges by them.

We request the learned trial judge to follow up implementation of this order in the pending suit and the interim application connected therewith, if any, before him.

This appeal and the connected application – FMAT No. 551 of 2023 and CAN No. 1 of 2023 – are, thus, disposed of by this court...”.

Ld. Advocates of both sides submitted that they will file the status report of the case pending before the Hon’ble High Court on the next date.

Considered.

Fix 10.09.2025 at 10:50 a.m. for filing status report of the case pending before the Hon’ble High Court and for further order.

Both parties to take necessary steps.

Parties to act on the basis of the downloaded copy of this order from the Website / Ecourts App.

Dictated & corrected by me,

Sd/-

Judge, Commercial Court at Alipore
For districts of South 24 Parganas, Purba Medinipur,
Paschim Medinipur & Jhargram

Sd/-

Judge, Commercial Court at Alipore
For districts of South 24 Parganas, Purba Medinipur,
Paschim Medinipur & Jhargram