

**IN THE SUPREME COURT OF BANGLADESH
HIGH COURT DIVISION
(CIVIL REVISIONAL JURISDICTION)**

Present:

Mr. Justice Rezaul Karim

Civil Revision No. 5502 of 2007

Md. Mahtab Uddin and another

...Petitioners

-Versus-

Executive Engineer, Sales & Distribution
Division-II, Pabna Electricity Distribution, Power
Development Board, Pabna and another.

....Opposite parties

None.

....For the petitioner

Mr. Md. Abdus Samad Azad, with
Mr. Md. Ahsan Habib, DAGs,
Mr. Mohammad Alam Khan, and
Ms. Sabikun Nahar, AAGs.

.....For the opposite parties

Heard on: 21.06.2026

Judgment on: 22.06.2026

The instant Rule was issued on 26.11.2007 calling upon the opposite parties to show cause as to why the judgment and order dated 11.11.2007, passed by the learned District Judge, Pabna in Civil Revision No. 42 of 2007, allowing the revision and thereby setting aside the order of mandatory injunction dated 05.07.2007 passed by the learned Senior Assistant Judge, Sadar, Pabna in Other Class Suit No. 368 of 2007, should not be set aside.

At the time of issuance of the Rule, this Court also stayed operation of the impugned judgment and order dated 11.11.2007 passed by the learned District Judge, Pabna in Civil Revision No. 42 of 2007 for a period of 6 (six) months, and further directed the opposite parties to restore the electricity connection to the disputed twisting and power looms mill of the petitioners, situated at Plot No. D.C. 127, BSCIC Industrial Area, Hemayetpur, Pabna, upon the petitioners furnishing the necessary requisites within 48 (forty eight) hours.

The salient facts leading to issuance of the instant Rule, briefly stated, are that the present petitioners, as plaintiffs, had been running a manufacturing operation by way of an industrial undertaking, comprising twisting and power looms, in the scheduled land situated at Plot No. D.C. 127, Mouza Chhatiani, BSCIC Industrial Area, Hemayetpur, Pabna, under a lawfully installed Electricity Meter No. 04778496, maintained under Account No. 10650/C.

It is the petitioners' case that on 19.06.2007, the opposite parties, along with a task force, entered the manufacturing plant of the petitioners and, without assigning any reason, removed the said electricity meter, and thereafter, on 24.06.2007, served a penal bill dated 20.06.2007 amounting to Taka 4,45,732.72. When the petitioner No. 1 approached the office of the opposite party No. 1 on 25.06.2007 to enquire about the said penal bill, the opposite party No. 1 is alleged

to have used unseemly language and had him removed from the office, following which the opposite parties disconnected the electricity line of the mill, causing pecuniary loss to the petitioners amounting to Taka 5,00,000.

It is the further case of the petitioners that they had all along been paying their electricity bills regularly, including the bill for the month of May, 2007, and were accordingly not liable to pay the penal bill so raised and served upon them illegally and arbitrarily.

On the aforesaid allegations, the petitioners instituted Other Class Suit No. 368 of 2007 before the learned Senior Assistant Judge, Sadar, Pabna, praying, inter alia, for perpetual injunction restraining the opposite parties from realising the penal bill and for restoration of the electricity connection. Along with the plaint, the petitioners also filed an application under Order XXXIX, rules 1 and 2 of the Code of Civil Procedure, 1908 for temporary injunction, upon which the learned trial Court, by order dated 01.07.2007, issued show cause notice upon the opposite parties. Subsequently, upon hearing an application for mandatory injunction, the learned trial Court, by order dated 05.07.2007, directed the opposite parties to restore the electricity connection to the disputed meter at once.

Being aggrieved by the said order of mandatory injunction dated 05.07.2007, the opposite parties, as defendants, preferred Civil Revision No. 42 of 2007 before the learned District Judge, Pabna

under Section 115(2) of the Code of Civil Procedure, 1908. The petitioners, as opposite parties in the said revisional application, entered appearance by filing a written objection, contending, inter alia, that the disconnection had been effected without any prior notice under Section 24 of the Electricity Act, and that they remained ready to pay their bills on the basis of actual consumption.

By the impugned judgment and order dated 11.11.2007, the learned District Judge, Pabna allowed the revision and set aside the order of mandatory injunction dated 05.07.2007, principally on the reasoning that the claim of arrear electricity bill was a matter to be determined upon evidence at the trial, and that the direction for restoration of connection 'at once' was too harsh a measure to be granted at the interlocutory stage.

Being aggrieved thereby, the petitioners have preferred the instant Rule.

None appeared on behalf of the petitioners when the Rule was taken up for hearing, although the opposite party No. 1 has entered appearance in the Rule.

Mr. Md. Abdus Samad Azad, the learned Deputy Attorney General appearing for the opposite party No. 1, submits that the learned Court of revision below, upon proper appreciation of the facts and the law, rightly set aside the order of mandatory injunction passed by the learned trial Court, inasmuch as the question of the arrear bill is

a disputed question of fact requiring evidence, and as such, the Rule is liable to be discharged.

We have gone through the record. It appears that this Court, at the time of issuance of the Rule, had directed restoration of the electricity connection to the petitioners' mill upon furnishing of requisites within 48 (forty eight) hours, and had also stayed operation of the impugned judgment and order dated 11.11.2007 for a period of 6 (six) months. In such circumstances, it is reasonable to presume that the electricity connection to the petitioners' mill was restored in the meantime, in compliance with the said interim direction.

It further appears that the question as to whether the opposite parties are, in fact, entitled to realise the disputed penal bill of Taka 4,45,732.72 is essentially a question of fact, dependent upon evidence, and the same falls to be determined in Other Class Suit No. 368 of 2007, which remains pending before the learned trial Court. This Court, sitting in revision, is not the appropriate forum to enter into that disputed question at this stage.

Regard being had to the above facts and circumstances, and having regard to the age of the Rule, we find that either the parties have lost interest in proceeding with the Rule, or the Rule has lost its practical utility on account of restoration of the electricity connection to the petitioners' mill in the meantime. We do not find any merit in the Rule.

In the result, the Rule is discharged, however, without any order as to costs.

The interim order of stay granted at the time of issuance of the Rule stands vacated.

Communicate the order at once.