

12th August,
2022
(AK)
03-04

CPAN 229 of 2022
In
WPA 1674 of 2020
IA No: CAN 1 of 2021
with
W.P.A 21968 of 2019
IA No: CAN 1 of 2021

Sm. Mita Banerjee
Vs.
Shri Soma Sankara Prasad and others

Mr. Dilip Kumar Samanta
Mr. Biswapriya Samanta
...for the petitioner.

Mr. Soumen Das
Mr. Prabir Chandra Ghose
Mr. Sourjya Roy
...for the alleged contemnors.

Mr. Vipul Kundalia
...for the Union of India.

Learned counsel for the alleged contemnors submits, by placing reliance on the affidavit-in-opposition filed by the alleged contemnors, that the miscommunication regarding the date of the auction sale being over, as understood to be that the sale was already over, was unintentional and *bona fide*.

Although there is little scope of such utter confusion in language for educated persons like the alleged contemnors, since punishment for contempt is given as a last resort, the benefit of doubt is extended to the alleged contemnors, since there is scope of the explanation advanced being credible.

Hence, the application is dismissed without any order as to costs.

However, it is made clear that in the event the concerned contemnors are found to be so casual and nonchalant in their communications to advocates in future, serious steps will be taken by orders of court.

Further personal appearance of the alleged contemnors is dispensed with.

The writ petition shall be enlisted before the appropriate Bench.

(Sabyasachi Bhattacharyya, J.)