

09.04.2026
Item No.4 & 5
Court No.08.
S. De
266301

CPAN 1659 of 2025
Frostees Export (India) Private Limited
Vs.
Tutul Chowdhury & Anr.

Arising out of

FMAT 76 of 2025

Mr. Anirudhya Chatterjee,
Mr. S. Ghosh,
Mr. Iftekar Munshi,
Ms. Snigdha Tosh ...for the alleged petitioner.

Dictated by Arijit Banerjee, J.

1. This contempt application has been filed alleging willful violation of an order dated April 28, 2025, whereby FMAT 76 of 2025 was disposed of by us.
2. The operative portion of the said order reads as follows :

“Since there is a dispute as regards the time period till which payment has been made by the appellant to the respondent no.1, without going into such dispute, at this stage, we direct the appellant to pay occupational charges at the rate of Rs.3,25,500/- per month, to the respondent no.1 for the period January, 2024 till April 2025 and then to continue to pay such amount from the month of May,

2025, till the disposal of the suit or until further order that may be passed in this regard by the learned Trial Court, whichever is earlier. No interest need be payable on the arrear occupational charges, at this stage.

In so far as maintenance charge is concerned, we are of the view that ends of justice will be served if instead of directing the appellant to pay the same to the respondent no.1 at this stage, we direct the appellant to deposit the maintenance charge for the period January 2024, till April 2024, with the learned Trial Court, at the rate of Rs.4,49,500/- per month and then to continue depositing such amount every month with the learned Trial Court till the disposal of the suit or until further order is passed in that regard by the learned Trial Court, whichever is earlier. We have been prompted to do so this in view of the prima facie dispute between the parties regarding maintenance of the suit premises by the respondent no.1.”

3. Mr. Chatterjee, learned senior counsel appearing for the petitioner, says that the alleged

contemnors have not complied with the said directions.

4. Let service of this contempt petition be effected on the alleged contemnors and affidavit-of-service be filed in Court on the next date.
5. List this matter once again when this Bench assembles.

(Om Narayan Rai, J.)

(Arijit Banerjee, J.)