

In the High Court at Calcutta

Special Civil Jurisdiction

Appellate Side

Contempt

14 28.8.2026

Sc Ct. no.38

Case No. :

CPAN 1728 OF 2025

With

WPA 13279 OF 2025

In the matter of :

Prodyut Halder

.... Petitioner

VS.

Shri D. Bhattacharya,
Deputy Inspector General being the
Officer-in-Charge, Durgapur Group
Center, CRPF Durgapur, District-Paschim
Bardhaman & Ors.

.... alleged Contemnors

For the Petitioner :

Mr. Debasish Kundu

Mr. Bidan Modak

Mr. Sudepto Kr. Basu

Ms. Doyel Dey.

....Advocates

For the alleged Contemnors:

Mr. Indrajeet Dasgupta

Mr. Tapan Bhanja

Mr. Gourab Karmakar.

....Advocates

Mr. Debasish Kundu, learned Advocate appears
for the petitioner.

Mr. Indrajeet Dasgupta, learned Advocate with
Mr. Tapan Bhanja, learned Advocate appears for the
alleged contemnors.

Pursuant to the direction of this Court dated
August 7, 2026 the petitioner has filed an affidavit-
in-opposition to the compliance affidavit, the same is

taken on record. Copy has been served upon the alleged contemnors.

On the prayer of Mr. Indrajeet Dasgupta, learned Advocate appearing for the alleged contemnors, since a wrong statement was made in **paragraph 10 at page 8** to the compliance report filed before this Court by way of an affidavit, affirmed on **August 6, 2026**, leave is granted to file an affidavit to disclose the correct stand and facts before this Court.

The corrective affidavit under the nomenclature of affidavit-in-reply, affirmed on **August 27, 2026** filed in Court today, is taken on record. Copy has been served upon the learned Advocate appearing for the petitioner in Court today.

Learned Advocate appearing for the alleged contemnors referring to **paragraph 6** from the said corrective affidavit and specifically referring to the notice dated **August 22, 2026 at page 5** of the said affidavit submits that, the notice of hearing has been served upon the petitioner and the hearing has been fixed on **August 29, 2026** before the **alleged contemnor no.4**.

Mr. Debasish Kundu, learned Advocate appearing for the petitioner, on a query being put by this Court, submits that, the petitioner is aware of the

said notice and the ***date of hearing has been fixed on tomorrow***. He shall attend the hearing.

The corrective affidavit shows that, the statements made in the previous compliance affidavit affirmed on ***August 6, 2026*** were absolutely incorrect.

In course of the hearing today, it has been pointed out that, the statements made in ***paragraph 10*** of the ***Office Order*** dated ***August 5, 2026*** at ***running page 8*** of the ***previous compliance report*** are ***absolutely incorrect*** and ***contrary to records***.

Paragraphs 3 to 7 from the corrective affidavit, filed today in Court, are quoted below :

"3. That upon going through the said Affidavit in Reply and crosschecking the relevant records, it has been detected that some statements made in the said Affidavit are absolutely incorrect. In fact, the reasoned order dated 05.08.2026 is also infected with the same inaccuracies.

4. The contemnors extend their unqualified apologies to this Hon'ble Court for such mistake.

5. Without any prejudice to the unqualified apology it is submitted that such inaccuracies happened due to clerical errors. The Petitioner had previously appeared in the Recruitment Examination for Constable (GD) for 2024 and he had been issued a notice to appear before the Group Centre Durgapur for Verification of Records and DME/RME. The Records of the Petitioner were somehow mixed up and it was presumed that notice had been issued for this year in compliance with the order dated 02.07.2026. It is further submitted that at present more than 100 sets of records are being processed for compliance of Orders of this Hon'ble Court.

6. That upon detection of the mistake the previous Reasoned order has been withdrawn

and a notice has been issued to the petitioner. The Speaking Order as directed by the Hon'ble court will be issued immediately after verification of the documents.

Copy of such notice dated 22.08.2026 is annexed hereto and marked with the letter "A".

7. That is the aforesaid circumstances it is prayed that the contemnors be forgiven and opportunity be granted for compliance of the solemn order dated 02.07.2026."

On a further scrutiny of the compliance affidavit affirmed on **August 6, 2026** it appears that, though the order disposing of the writ petition dated **July 2, 2025** shows that, the respondent no.4 in the writ petition being the alleged first contemnor herein was directed to provide the hearing to the petitioner and pass a reasoned order, the same has not been complied with and not only that, the alleged first contemnor has not affirmed the said affidavit of compliance affirmed on **August 6, 2026**. More so, none of the existing alleged four contemnors had affirmed the same and it was affirmed by another person, who is not the alleged contemnor in the present contempt proceeding.

The law is well settled that, in a contempt proceeding if any affidavit is called for from the alleged contemnors, such an affidavit **must** and **should be** filed by such alleged contemnors and **no delegation of authority is permitted** in this regard in favour of a third person. This clearly shows not only a

highhanded attitude on the part of the alleged contemnors and/or the first contemnor for not complying the direction of this Court willfully and deliberately but also not to explain its conduct in the manner it is required under the law.

In view of the above, the ***alleged first contemnor*** is directed to pay a ***cost of Rs.50,000/-*** (Rupees Fifty Thousand only) ***as a penalty*** in favour of the petitioner ***positively within a week from date*** by way of a banker's instrument or by ***crediting the bank account of the petitioner through electronic mode from the personal account of the alleged first contemnor.***

Since the ***petitioner shall attend the hearing on tomorrow***, as fixed, the reasoned order shall be passed accordingly by the alleged contemnor no.1 and the alleged contemnor no.1 then shall file a ***further compliance report*** disclosing the compliance by way of an affidavit on the next day.

Learned Advocate on record for the alleged contemnors shall communicate the gist of this order to the alleged contemnors so that, the hearing, as fixed on tomorrow, shall take place and the reasoned order shall be passed accordingly. This exercise shall be carried out ***positively within next two working days from tomorrow.***

The matter shall appear under the heading
“Contempt Application” on ***September 25, 2026***.

(Aniruddha Roy, J.)