

ORDER SHEET
Ordinary Original Civil Jurisdiction

CC-COM/6/2025
WITH EC.COM/396/2024
(Commercial Division)

M/S MBL AND ABCI (JOINT VENTURE)
VS
ANTARA ACHARYA PRINCIPAL SECRETARY
PUBLIC WORKS DEPARTMENT GOVERNMENT
OF W.B. AND ORS

BEFORE:

The Hon'ble JUSTICE SABYASACHI BHATTACHARYYA

Date : 2nd May, 2025.

Appearance:

Mr. Jishnu Chowdhury, Sr. Adv.

Mr. Soumabho Ghose, Adv.

Mr. S.K. Singhi, Adv.

Ms. Riti Basu, Adv.

Ms. Piyali Pan, Adv.

..for the petitiopner

The Court: Learned Senior Counsel for the petitioner submits before the Court that the alleged contemnors are in gross contempt of the order dated October 3, 2024 passed in EC-COM/396/2024 inasmuch as in the said order, it was specifically recorded that the award debtor shall remain restrained from operating the Bank Accounts without setting apart the awarded amount of Rs. 129,01,14,018.76P until further order.

Learned Senior Counsel takes the Court through the subsequent developments. The matter came up before a co-ordinate Bench, where the learned Single Judge had directed the Executive Engineer, PWD to file an affidavit to show as to the manner and mode in which the order has been complied with. In the affidavit filed in response to such order, procedural rigmarole and red-tapism has been highlighted without any clear intention being expressed as to the compliance of the said order. Interestingly, in

paragraph no. 11 of such application, which is annexed to the present contempt application, it is stated that “regular steps” have been taken to comply with the direction passed. It is more surprising that subsequently an application has been filed, which is now pending, seeking extension of the time by a period of one month for compliance of the order dated October 03, 2024.

I find from the order under contempt that there was no question of any stipulation of time limit in the said order to comply with the same. By the very nature of the order, it had to be complied with instantaneously; otherwise the very purpose would be defeated if the Bank Accounts in question were operated without keeping aside the awarded amount as indicated therein.

Thus, I am of the opinion that a strong prima facie case of contempt of the order dated October 03, 2024, by not setting apart the awarded amount as stipulated therein, has been made out.

Accordingly, the petitioner shall serve a copy of the contempt application on the alleged contemnor in order to enable the latter to explain before the Court as to the reasons for such apparent non-compliance of the order by this Court. Affidavit-in-opposition to the contempt application, if any, shall be filed within three weeks from the date. The affidavit-in-reply, if any, shall be filed within June 13, 2025. The contempt application shall be listed next on June 20, 2025, when an affidavit of service to that effect shall be filed by the petitioner.

(SABYASACHI BHATTACHARYYA, J.)