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IN THE HIGH COURT AT CALCUTTA
SPECIAL JURISDICTION (CONTEMPT)
ORIGINAL SIDE

CC-COM/6/2025
WITH EC.COM/396/2024
M/S MBL AND ABCI (JOINT VENTURE)
VS
ANTARA ACHARYA PRINCIPAL SECRETARY
PUBLIC WORKS DEPARTMENT GOVERNMENT
OF W.B. AND ORS.

BEFORE:
HON'BLE JUSTICE SABYASACHI BHATTACHARYYA
Date: JULY 04, 2025.

Appearance:
Mr. Jishnu Chowdhury, Sr. Adv.
Mr. Soumabho Ghose, Adv.
Mr. S.K. Singhvi, Adv.
Ms. Riti Basu, Adv.
Ms. Piyali Pan, Adv.
...for petitioner
Mr. Samrat Sen, Sr. Adv.
Mr. Shamit Sanyal, Adv.
Ms. Manika Roy, Adv.
Mr. Sabyasachi Roy, Adv.
...for NHAI

The Court:- Learned Senior Counsel appearing for the petitioner submits that there has been palpable contempt of the order of this Court dated October 3, 2024 passed in EC-COM/396/2024. By the said order, this court had restrained the award debtors from operating their bank accounts without setting apart the awarded amount of Rs.129,01,14,018.76p. until further orders.

Learned Senior Counsel for the petitioner submits that, in gross violation of the said order, the accounts of the award debtor are being operated without leaving the reserve as directed to be maintained in the said respondents' accounts.

Learned Assistant Additional Advocate General, appearing on behalf of the alleged contemnors, submits that there was no intention on the part of the alleged contemnors to violate the order of this Court at all. Learned Senior Counsel also places reliance on paragraph 3 of each of the affidavits of compliance, which are filed today, to indicate that if in the perception of the Court any contempt has been committed, unconditional apology in that regard has been offered.

Learned Assistant Additional Advocate General further submits that, in compliance of the order, a monetary allocation has been reserved under the head of the award debtors, which has been duly communicated by letters, copies of which are annexed to the affidavits of compliance.

Upon hearing learned Counsel, I am of the opinion that prima facie there is a contempt of Court since the order in question was passed in presence of the award debtors and it was never pointed out by the award debtors that the amount would not be kept set apart in the bank accounts of the award debtors but would be kept in some vague form of allocation in the name of the award debtors.

However, this Court is of the opinion that since the order pertains to a monetary component, an opportunity to purge the contempt ought to be given to

alleged contemnors by depositing the entire amount, which the award debtors were restrained from operating, with the Registrar, Original Side of this Court.

Learned Assistant Additional Advocate General submits that the same will be done and seeks some time to comply with the said direction.

Accordingly, let the matter stand adjourned till July 11, 2025, when it will be listed under the same heading. The alleged contemnors shall ensure that the awarded amount of Rs.129,01,14,018.76p. is deposited with the Registrar, Original Side by July 09, 2025. The factum and particulars of such deposit shall also be communicated to the learned Advocate on record for the petitioner by his/her counterpart appearing for the alleged contemnors within July 10, 2025 in writing.

The amount, as and when deposited, shall be invested in a short term interest-bearing account/scheme with any Nationalised Bank by the Registrar, Original Side and will be subject to the outcome of the execution proceeding.

The parties shall act on the server copy of this order for the purpose of compliance, without insisting upon prior production of a certified copy.

It is further clarified that the Registrar, Original Side shall take steps for renewing the said short term interest-bearing deposit / scheme from time to time on the verge of expiry of each of its tenures.

(SABYASACHI BHATTACHARYYA, J.)