

OCD-13

ORDER SHEET

IN THE HIGH COURT AT CALCUTTA
Special Jurisdiction (Contempt)
ORIGINAL SIDE

[Commercial Division]

CC-COM/6/2024
IA No. GA-COM/1/2025

CABCON INDIA LIMITED
-VS-
DIWAKAR SHARMA AND ORS.

BEFORE:

The Hon'ble JUSTICE KRISHNA RAO

Date : January 20, 2025.

Appearance:

Mr. Shuvasish Sengupta, Adv.
Mr. Balarko Sen, Adv.
Ms. Pritha Basu, Adv.
Ms. Akansha Chopra, Adv.
Mr. Saptarshi Kar, Adv.
...for the plaintiff/ petitioner

The Court: Mr. Shuvasish Sengupta, learned counsel, is appearing for the plaintiff/petitioner.

The plaintiff has filed the present contempt application against the alleged contemnors on the allegation of willful and deliberate violation of the order dated 11th March, 2024 which was subsequently confirmed by an order dated 22nd April, 2024.

Counsel for the plaintiff submits that initially when the contempt application was filed, the plaintiff has taken appropriate steps for issuance of Rule through Bailiff but the Bailiff has submitted report before this Court stating that the contempt Rule could not be served upon the alleged contemnors as the door was locked.

Counsel for the plaintiff submits that Rule was also sent by the speed post that was served upon the alleged contemnors.

Counsel for the plaintiff submits that this Court has not accepted the earlier service and directed the plaintiff to take steps for service of fresh Rule upon the alleged contemnors.

Counsel for the plaintiff has filed the present application stating that if this Court again directs the plaintiff to take appropriate steps for issuance of service through Bailiff, the plaintiff has to bear heavy cost for issuance of Rule upon the alleged contemnors through Bailiff.

This Court has called for report from the Sheriff of this Court to ascertain what would be the cost for service of Rule upon the alleged contemnors and accordingly, by a communication dated 14th January, 2025, the Sheriff has submitted report showing that the cost would be about Rs.45,000/-.

Counsel for the plaintiff submits that initially the plaintiff has deposited Rs.45,000/- but the Rule could not be served and now the plaintiff prays for service of fresh Rule upon the alleged contemnors for their personal appearance by speed post as well as by way of publication of notice.

Considering the submission made by the counsel for the plaintiff and taking into consideration the cost of service through Bailiff, this Court finds that it would be proper to allow the plaintiff to serve the Rule upon the alleged contemnors by speed post as well as by publication of the notice of the contempt Rule in the English daily newspaper, namely, 'The Times of India'

and Hindi daily newspaper, namely, 'Dainik Bhaskar' which have been widely circulated at the registered address of the alleged contemnors.

In view of the submission made by the counsel for the plaintiff, the plaintiff is directed to serve the fresh Rule upon the alleged contemnors for their personal appearance by speed post as well as by publication of Rule in the English daily newspaper, namely, 'The Times of India' and Hindi daily newspaper, namely, 'Dainik Bhaskar' within three weeks from date. The Rule is made returnable on 4th March, 2025.

GA-COM/1/2025 is disposed of.

(KRISHNA RAO, J.)