

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

CC/84/2024
WITH WPO/192/2024
ELECTROSTEEL CASTINGS LIMITED
VS
SMT. VANDANA YADAV

BEFORE:

The Hon'ble JUSTICE SABYASACHI BHATTACHARYYA

Date: 26th September, 2025.

Appearance:
Mr. Arif Ali, Adv.
Mr. Prabhat Kumar Srivastav, Adv.
..for the petitioner.
Mr. Kishore Dutta, Ld. AG.
Mr. Tanoy Chakraborty, Adv.
Mr. Suddhadev Adak, Adv.
..for the WBIDCL
Mr. Nilotpal Chatterjee, Adv.
Mr. Debangshu Dinda, Adv.
..for the alleged contemnors.

The Court:- Learned counsel for the petitioner submits that repeated adjournments have been taken by the alleged contemnor on the ground of pendency of an appeal against the order under contempt.

Such contention is controverted by learned counsel for the alleged contemnor.

However, even the previous orders passed by this Court go on to indicate that at least on seven prior occasions, adjournments have been sought by the alleged contemnor on the ground of pendency of the appeal.

Learned counsel for the petitioner hands over a server copy of an order dated September 9, 2025 whereby APOT/5/2025, the appeal preferred against the order under contempt, was dismissed for default.

Learned counsel for the alleged contemnor, however, seeks to rely on the revocation of West Bengal Incentive Scheme and Obligations in the nature of Grants and Incentive Act, 2025, which was apparently published and notified in the Official Gazette on April 2, 2025, arguing that in terms of Section 4 thereof, notwithstanding anything to the contrary contained in any judgment, arbitral award, decree, order or direction of any authority, Court or tribunal, the State Government and/or its Authorized Agents shall no longer have any past, present or future liabilities or obligations under the West Bengal Incentive Schemes and/or under any Grants and Obligations, of any nature whatsoever, or for any Incentive under any contract or agreement or promises or any law of the State Legislature.

It is submitted that in view of the operation of Section 4(1) of the 2025 Act, the contempt petition has been rendered infructuous, since the parent order is no longer operative, having been overridden by the provisions of the 2025 Act, thereby alleviating the alleged contemnor of the liabilities under the said order.

The court will be failing its duty if it does not note the patently recalcitrant attitude of the alleged contemnor.

After having sought adjournment on numerous occasions, from prior to the enactment of the 2025 Act till much thereafter, without setting up the 2025 Act as a defence to the contempt, at this belated stage, the alleged contemnor

seeks to rely on a statute which has been promulgated on April 2, 2025, that is much subsequently after the order under contempt was passed and the contempt proceeding was even initiated.

The promulgation of the said Act was never urged as a defence in the contempt application, although Rule was issued in connection with the contempt application and a show-cause was filed in pursuance thereto.

Rather, the common refrain in all the adjournment prayers of the alleged contemnor has been till date that an appeal was pending.

However, the said appeal itself was dismissed for default, thereby bringing to light the deliberate ploy of the alleged contemnor to protract the litigation under one pretext or the other.

Even if the 2025 Act has been enacted with effect from April 2, 2025, Section 4(1) of which seeks to erase the effect of past orders of any Court, it is well-settled that within the contemplation of the General Clauses Act, such retrospective effect cannot be given to accrued rights under an order of Court.

It is to be remembered that the contempt jurisdiction is not restricted by the Contempt of Courts Act but flows from the powers of a Court of records/ Constitutional Court under section 215 of the Constitution of India and is an inherent power of the Court to ensure that the Rule of Law is maintained.

Even if the 2025 Act is taken into account, the same cannot nullify the effect of a contempt application retrospectively.

The contempt proceeding was already initiated before the 2025 Act came into force. Learned counsel for the alleged contemnor submits that the *vires* of the said Act has been challenged in several proceedings. However, since the

challenges are still pending, it would be premature for this court, sitting in contempt jurisdiction, to dwell upon the Constitutionality or legality of the retrospective effect given by the said Act.

Even if the order in question was merely at that stage of implementation and no contempt had already been filed, it might still have been possible to argue that the said order has been rendered toothless by the 2025 Act.

However, once the order culminated and ripened into a contempt proceeding, it is between the alleged contemnor and the Court and the alleged contemnor is to show as to what has prevented the alleged contemnor from complying with the order passed much earlier than the promulgation of the 2025 Act, at least between the period from passing of the parent order and the enactment of the 2025 statute. Hence, even if the 2025 Act or its *vires* were to be ultimately upheld by Courts, fact remains that the act of deliberate and willful violation of the order of this Court, at least prior to the 2025 Act coming into effect on April 2, 2025, cannot be mitigated, since the 2025 Act had not been enacted during such period.

The only ground on which the contempt application has been protracted for so long is the numerous adjournments sought by the alleged contemnor on the ground of pendency of the appeal against the parent order, which ground has also been proved to be a cover-up and moonshine in view of the lack of seriousness of the appellants therein in pursuing the appeal, since they were not even serious enough to conduct the same diligently despite the guillotine of contempt hanging over the alleged contemnor's head, as elicited by the dismissal of the appeal for default.

In view of the above, this Court is of the opinion that there is no reason why penal action should not be taken against the alleged contemnor. Accordingly, the alleged contemnor shall remain present in Court personally on October 31, 2025 at 10.30 am, when the matter shall next be listed for passing appropriate orders.

(SABYASACHI BHATTACHARYYA, J.)