

OD 3

CC/84/2024
WITH
WPO/192/2024
IN THE HIGH COURT AT CALCUTTA
SPECIAL JURISDICTION (CONTEMPT)
ORIGINAL SIDE

ELECTROSTEEL CASTINGS LIMITED
VS
SMT. VANDANA YADAV

BEFORE:

The Hon'ble JUSTICE SABYASACHI BHATTACHARYYA

Date: 31st October, 2025.

Appearance:
Mr. Arif Ali, Adv.
Mr. Prabhat Kumar Srivastava, Adv.
Ms. Ankita Singh, Adv.
. . .for the petitioner.

Mr. Kishore Dutta, Ld. AG.
Mr. Biswabrata Basu Mallick, Adv.
Mr. Nilotpall Chatterjee, Adv.
Mr. Debangshu Dinda, Adv.
. . .for the alleged contemnors.

Mr. Kishore Dutta Ld. AG.
Mr. Tanoy Chakraborty, Adv.
Mr. S. Adak, Adv.
. . .for WBIDCL.

The Court: Pursuant to previous direction of the Court, the alleged contemnor is present in Court today.

The learned Advocate General, appearing on behalf of the alleged contemnor, submits that despite earnest efforts on the part of the alleged

contemnor and her counsel, the appeal preferred against the parent order could not be heard out.

It is submitted by learned Advocate General that on numerous occasions, the matter was heard in part before the Division Bench then taking up the matter. In support of such contention, learned Advocate General hands up an information slip/case details statement from the official website of this Court which indicates that, indeed, the matter had been heard on several occasions by the concerned Division Benches.

However, fact remains that despite having full knowledge of the substance of the order of this Court, the same was not complied with and ultimately the appeal preferred against the parent order got dismissed for default, which was obviously the fault of the appellant/alleged contemnor.

Learned Advocate General submits that in the interregnum, a piece of legislation has come up whereby the order under contempt and other similar orders cannot be implemented.

Learned Advocate General submits that in certain matters, the Hon'ble Supreme Court took cognizance of the fact that a subsequent legislation intended to remove the basis of previous orders of Court might not tantamount to contempt.

Learned Advocate General also submits that there was no willfulness or deliberate ingredient in the violation of the order, since an appeal was pending all along.

Even taking note of the fact that the fact of a legislation being enacted to take away the effect of previous orders of the Court per se may not amount to contempt, the contempt alleged in the present case is not the act of passing of

the legislation itself but the violation of the parent order, which was fully effective at least during the period between the date when it was passed and the date when such subsequent legislation came into force. It cannot be gainsaid that during the said period, the alleged contemnor was fully aware of the substance of the order and despite the same, did not comply with the same.

It is well-settled that mere pendency of an appeal does not *per se* operate as stay of the order challenged therein. Thus, it was well within the comprehension and knowledge of the alleged contemnor all along that the order of this Court was subsisting, despite which the same was not complied with.

Moreover, the Court takes note of the fact that numerous adjournments had been granted on previous occasions on the ground of pendency of the appeal but the same was ultimately dismissed for default of the appellants.

Thus, since a Rule has already been issued and cause has been shown in writing thereto, which does not explain away the factum of violation of the order, there would be no option left to the Court but to pass penal orders on the Rule on the next occasion.

Giving due deference to the learned Advocate General's prayer that one last opportunity may be given for the purpose of enlisting the appeal and obtaining interim orders therein, the matter is adjourned till November 21, 2025, when it will be listed at 10.30 am.

It is made clear that if during the interregnum, the order under contempt is complied with and/or an order of stay is obtained from the appellate Court, this Court may desist from passing any penal orders, subject to consideration by the Court, on the next occasion. However, otherwise, appropriate penal action shall

be taken on the next returnable date, when the alleged contemnor shall again be personally present in court.

(SABYASACHI BHATTACHARYYA, J.)

sp/b.pal