

OD-5

IN THE HIGH COURT AT CALCUTTA
Special Jurisdiction [Contempt]
ORIGINAL SIDE

CC/84/2024
WITH
WPO/192/2024

ELECTROSTEEL CASTINGS LIMITED
VS
SMT. VANDANA YADAV

BEFORE:

The Hon'ble JUSTICE SABYASACHI BHATTACHARYYA

Date : 17th January, 2025

Appearance:

Mr. Kishore Datta, Sr. Adv.
Mr. Biswabrata Basu Mullick, Adv.
Mr. Nilotpal Chatterjee, Adv.
Mr. Debraj Sahu, Adv.
Mr. Debangshu Dinda, Adv.
...for alleged contemnor

Mr. T.M. Siddiqui, Adv.
Mr. T. Chakraborty, Adv.
Mr. S. Adak, Adv.
...for WBIDC.

The Court:- It is submitted by the learned Advocate General that the appeal filed by the State against the parent order is at the stage of hearing of the condonation application. However, the appeal preferred by the WBIDC against the same order has crossed such hurdle and is due to be taken up by the concerned Division Bench taking up appeals.

Learned Counsel appearing for the petitioner submits that the parent order contains a two-stage direction. At the first stage, the State was to disburse an amount and at the second, the WBIDC was to pay the same to the petitioner. As such, what is germane is the State's appeal, as the State has not complied with the first component of the directions.

The learned Advocate General, appearing for on behalf of the alleged contemnor, submits that the alleged contemnor is working in dual capacity and is also the Managing Director of the WBIDC.

In any event, it is evident that both the appeals, although at various stages, are pending adjudication before the concerned Division bench. Moreover, the outcome of either of the appeals shall govern the fate of the present contempt application as well.

The learned Advocate General assures the Court that appropriate mentioning will be done before the concerned Division Bench, pointing out that no further time is being granted by this Court, either to obtain ad interim orders or to get the appeals disposed of.

As such, this Court is of the opinion that for the sake of propriety, in order to enable the Appellate Court to have a say in the matter, the contempt application should be adjourned and is, accordingly, postponed till February 7, 2025, when it will be listed for being taken up at 10:30 am. It is, however, made clear that in the event no order is passed by the Appellate Court in either of the appeals in the meantime, there would be no other option left for this Court but to issue penal directions for non-compliance of the order of this Court. The show cause filed in the form of an affidavit by the alleged contemnor today be kept on record. A copy thereof be handed over here and now to the learned advocate for the petitioner.

It is made clear that the alleged contemnor shall be virtually present on the next returnable date as well at the time of call.

(SABYASACHI BHATTACHARYYA, J.)