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ORDER SHEET

CC No.85 of 2024
IN THE HIGH COURT AT CALCUTTA
SPECIAL JURISDICTION (CONTEMPT)
ORIGINAL SIDE

SRI BISWAJIT SANTRA
VS
DHAVAL JAIN & ORS.

BEFORE:
The Hon'ble JUSTICE RAI CHATTOPADHYAY
Date:16th February, 2026.

Appearance:
Mr. Shubradip Roy, Adv.
Ms. Sananda Ganguli, Adv.
...for the Petitioner.

Mr. Biswaroop Bhattacharya, Adv.
Mr. Jishnujit Roy, Adv.
...for alleged contemnors.

The Court:-This matter has come up at the instance of the alleged contemnors.

Record reveals that in absence of the alleged contemnors, who did not appear in the Court on the date, an order issuing Rule upon the alleged contemnors was passed by the Court on February 10, 2026. The Rule presently is in the process of being executed.

At this moment the alleged contemnors have mentioned this matter on the ground of urgency.

Mr. Bhattacharya, learned Advocate appearing for the alleged contemnors has submitted on the basis of a notification dated October 24, 2025 that the alleged contemnor no.1, The Municipal Commissioner, Kolkata Municipal Corporation, has demitted office vide the said order whereas Sri Sumit Gupta, IAS has joined the post.

He has further submitted that the alleged contemnor no.2 has retired and the alleged contemnor no.3 has been given in charge of DG [Parks &

Squares] at Parks & Squares Department that is the alleged contemnor No.2. He has further submitted that Sri Milan Kumar Sarkar has been posted as the Executive Engineer, Parks & Squares Department, Kolkata Municipal Corporation in place and stead of the present alleged contemnor No.3.

Having considered the change of facts in the proceedings as mentioned and recorded above, the Court is of the opinion that the Rule issued on February 10, 2026 by this Court would not be executable due to change of respective incumbents in office, on account of transfer/retirement, as stated above.

It is further noted that the names of the new incumbents are required to be brought on record in the contempt application.

Mr. Roy, learned Advocate appearing for the contempt petitioner has raised strong objection as to the alleged conduct of the alleged contemnors, addressing the steps taken today by the alleged contemnors as dilatory tactics to frustrate the contempt proceedings. However, since the Court finds without incorporating the new incumbents, no further proceedings can be made in this contempt application, the order dated February 10, 2026 is hereby recalled.

The petitioner is directed to immediately incorporate the names of the new incumbents in the respective posts of the alleged contemnors respectively and effect modification in the cause title of the contempt application forthwith.

Mr. Bhattacharya learned Advocate appearing for the alleged contemnors further informed that as affidavit-in-opposition is on the verge

of being finally prepared, he seeks leave to file the same on the next date of hearing.

Let this matter be adjourned today and be listed next week for further consideration.

In the meantime, Mr. Bhattacharya will serve copy of the affidavit-in-opposition to Mr. Roy.

(RAI CHATTOPADHYAY, J.)

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