

ORDER SHEET

IN THE HIGH COURT AT CALCUTTA
SPECIAL JURISDICTION (CONTEMPT)
COMMERCIAL DIVISION
ORIGINAL SIDE

CC-COM/14/2024

EDEN REALTY VENTURE PRIVATE LIMITED
VS
ADITYA KUMAR NAYAK AND ORS.

BEFORE:

The Hon'ble JUSTICE KRISHNA RAO

Date: June 10, 2025.

Appearance:

Mr. Sayantan Basu, Sr. Adv.
Mr. Deepak Kumar Jain, Adv.
... for the plaintiff/petitioner

Mr. Abhimanyu Shandilya, Adv.
Mr. Gourab Das, Adv.
Mr. Biyas Banerjee, Adv.
... for the alleged contemnor nos. 1 to 4

Mr. Navin Kumar Thakur, Adv.
Mr. Sudhakar Thakur, Adv.
Mr. Mrityunjoy Saha, Adv.
... for the alleged contemnor nos. 6, 8 and 9

Mr. Balarko Sen, Adv.
Mr. Suvradal Choudhury, Adv.
... for the alleged contemnor no. 7

1. Mr. Sayantan Basu, learned Senior Advocate, is appearing for the petitioner.
2. Mr. Abhimanyu Shandilya, learned Advocate, is appearing for the alleged contemnors nos. 1 to 4.
3. Mr. Navin Kumar Thakur, learned Advocate, is appearing for the alleged contemnors nos. 6,8 and 9
4. Mr. Balarko Sen, learned Advocate, is appearing for the alleged contemnor no. 7.
5. None appears on behalf of the alleged contemnor no. 5.
6. The alleged contemnor no. 5 has filed an affidavit on 15th May, 2025, wherein the contemnor no. 5 has admitted that the contemnor no. 5 acts as a median through which the prospective

buyers can get in touch with the sellers. The advertisements are put up on the contemnor no. 5's website either directly by buyers or purchaser or realtors or brokers. He has also stated that the contemnor no. 5 allows for advertisement to be made on its website in lieu of a fee and the prospective buyers or sellers and the realtors or broker directly get in touch with the person at whose behest the advertisement has been put up.

7. It is also mentioned in the affidavit that after payment of a platform fee or charge, one can put the advertisement on the added contemnors. In the affidavit he has given the name of one "OMM CREATION" through its representatives being Rani Agarwal and Susmita had contacted the contemnor no. 5 on 16th January, 2024 in order to advertisement of the project "SOLARIS" in the website of the contemnor no. 5.
8. Though the contemnor no. 5 has filed the affidavit but is not represented today. This Court has no other option but to direct the contemnor no. 5 to appear in person before this Court on the next date fixed.
9. The petitioner is directed to take appropriate steps. Counsel for the respondent nos. 1 to 4 submits that though he has prepared the affidavit but the same could not be affirmed as the department is not accepting the same because the affidavit is prepared on the unamended cause title of the contempt application. He prays for direction upon the petitioner to serve an amended copy of contempt application.
10. Counsel for the alleged contemnor no. 7 is also present in person and he submits that he has not received the copy of the contempt application and he prays for a direction upon the petitioner for

service appropriate contempt application and he submits that he will file affidavit of compliance on the next date fixed.

11. In view of the submissions made by the counsel for the respective parties, the petitioner is directed to serve the amended copy of the contempt application to the learned Counsel appearing for the alleged contemnor nos. 1 to 4 and 7 in course of the day.
12. The contemnors nos. 1 to 4 and 7 are directed to file their affidavit of compliance within a week from date, after serving the copy to the learned Counsel for the petitioner.
13. Affidavits filed by the parties be exchanged between the parties in the meantime. For the time being personal appearance of the alleged contemnors nos. 1 to 4 and 7 are dispensed with.
14. Mr. Navin Kumar Thakur, is appearing for the alleged contemnors no. 6, 8 and 9. Affidavit filed after serving the copy to the learned Counsel for the petitioner, be kept with record.
15. Let the matter appear on 24th June, 2025.

(KRISHNA RAO, J)