

OCD-7

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 : March 21, 2025.

Appearance :

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

Mr. Abhimanyu Shandilya, Adv.
Ms. Simi Paul, Adv.
... for the alleged contemnors

1. Mr. Sayantan Basu, learned Senior Advocate, is appearing for the petitioner.

2. Mr. Abhimanyu Shandilya, learned Advocate, is appearing for the alleged contemnors.

3. In terms of the order passed by this Court, the alleged contemnors are present before this Court in person.

4. Affidavit of service filed by the alleged contemnors showing the service of supplementary affidavit upon the petitioner be kept with the record.

5. Counsel for the petitioner draws the attention of this Court to pages 12 to 16 of the supplementary affidavit filed by the alleged

contemnors wherein the alleged contemnors have made a request to propertywala.com, proptiger.com, 99acres.com and housing.com not to publish the advertisement with regard to the “Solaris” and the alleged contemnors have informed with regard to the order passed by this Court wherein this Court has restrained the alleged contemnors from using the word “Solaris”.

6. Counsel for the petitioner has brought the notice of this Court to the mail sent to housing.com wherein the alleged contemnors have requested housing.com for removal of all data, listing and landing pages with regard to “Solaris” but in the said communication, the alleged contemnors have not mentioned about the restraining order passed by this Court.

7. This Court finds that in the supplementary affidavit, the alleged contemnors have taken a specific stand that they have requested all the above named firms/parties not to advertise by using the name “Solaris” but if they are using the said word, the alleged contemnors are not in a position to stop them as they are not in the control of the alleged contemnors.

8. The alleged contemnors are present in person and this Court has personally made an enquiry from the alleged contemnors with regard to their stand if this Court in terms of their supplementary affidavit makes the above named firms/companies as party to the instant contempt application and issues notice to show cause as to why they have not removed the data with regard to the “Solaris” in terms of the order passed by this Court, to which the alleged contemnors have submitted that they have not contacted

the above firms/companies for publication of any advertisement with regard to “Solaris”.

9. This Court has also made it clear to the alleged contemnors that if the above named firms/companies comes before this Court and files affidavit stating that the alleged contemnors have requested for publication of advertisement in their website, then this Court will deal the matter very strictly in accordance with law against the alleged contemnors.

10. In paragraph 4 of the supplementary affidavit of alleged contemnors have categorically stated that the above named companies/firms are not their agents and neither the alleged contemnors nor the company had any contact with them to publish the details.

11. Considering the above, this Court directs the petitioner to make propertywala.com, proptiger.com, 99acres.com, housing.com and also makan.com as party to the instant contempt application and to issue notice upon the said added parties.

12. The above named added parties are directed to file their affidavit specifying that whether the added parties have removed all the data with regard to the publication of advertisement by using the name of “Solaris” and the said added parties shall also specify whether the said publication or advertisement was made as per the request of the alleged contemnors or not. The added parties shall also specify in their affidavit whether they have received any commission or any brokerage from the alleged contemnors for advertising/publication/booking/sale of the property namely, Siddhivinayak Solaris and if it is sold through the above named parties, they shall also specify the number of flats sold by the alleged contemnors through them.

13. The petitioner is directed to make amendment in the contempt application by adding the above named parties as alleged contemnors within two weeks from date and to issue notices upon the added alleged contemnors within a week thereafter.

14. The added alleged contemnors are directed to file their affidavit specifying the above issues, as raised by this Court, within two weeks thereafter.

15. Let the matter appear on 6th May, 2025.

16. The alleged contemnor Nos. 1 to 4 are directed to appear before this Court on 6th May, 2025.

17. The department is directed to carry out the amendment.

(KRISHNA RAO, J.)