

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).15023/2009

(From the judgement and order dated 02/04/2009 in FMA No. 282/2009  
of The HIGH COURT OF CALCUTTA)

BIREN BISWAS

Petitioner(s)

VERSUS

DIPTI NARAYAN BISWAS & ORS.  
(With prayer for interim relief )

Respondent(s)

WITH CONMT.PET.(C) NO. 352 of 2009

Date: 17/01/2011 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ALTAMAS KABIR  
HON'BLE MR. JUSTICE CYRIAC JOSEPH

For Petitioner(s) Mr.Jaideep Gupta,Sr.Adv.  
Mr.R.K.Gupta,Adv.  
Mr.S.K.Gupta,Adv.  
Mr.M.K.Singh,Adv.  
Mr. Shekhar Kumar,Adv.

For Respondent(s) Mr. Tara Chandra Sharma,Adv.  
State of W.B. Ms.Neelam Sharma,Adv.

Mr.P.K.Dey,Adv.  
Mr.Kaushik Dey,Adv.  
Dr. Kailash Chand ,Adv

Mr. Sheetal Prasad Juneja ,Adv

UPON hearing counsel the Court made the following  
O R D E R

Leave granted in S.L.P.(c) No.15023 of 2009.

The appeal is disposed of in terms of the signed  
order. There will be no order as to costs.

The contempt petition is disposed of in terms of  
the signed order.

(Sukadev Sarangi) (Juginder Kaur)  
A.R.-cum-P.S. Court Master  
( Signed order is placed on the file)

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.683 OF 2011  
(Arising out of S.L.P.(c) No.15023 of 2009)

Biren Biswas

Appellant

Versus

Dipti Narayan Biswas & Ors.

Respondents.

WITH:

Contempt Petition © No.352 of 2009

IN

SPECIAL LEAVE PETITION © NO.15023 OF 2009

O R D E R

Civil Appeal No.683 of 2011:  
(Arising out of S.L.P.(c) No.15023 of 2009)

Leave granted.

This appeal is directed against the judgment and order dated 2.4.2009 passed by the Calcutta High Court in FMA No.282 of 2009, choosing not to interfere with the order of the learned Single Judge, allowing the writ petition filed by Respondent No.1- Dipti Narayan Biswas. It may be indicated that the writ petition had been filed by the successful bidder in the auction which had been conducted, but he had failed to deposit the amount as bid by him, within the time prescribed.

Pursuant thereto, a second auction was conducted in which the appellant herein was successful but the erstwhile unsuccessful bidder questioned the same in the

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High Court and ultimately, the said auction was also set aside with a direction to conduct a fresh auction. It is this second order against which the present appeal has been filed.

It may be indicated that the auction related to the operation of a ferry service between Radhanagar and Illamnagar in the district of Nadia. However, the period for which the auction had been held, is already over and nothing further remainsto be adjudicated upon with regard to the said auction and in fact, a fresh auction has already been conducted in the meantime and a third bidder on being successful, is now operating the ferry service.

However, it is also evident that the appellant herein was able to operate for a period of only 11 months out of the total auction period and in order to compensate the appellant, the respondent Nos. 8 & 9, namely, Tehatta II Panchayat Samiti and the Sabhapati, Tehatta II Panchayat Samiti, have agreed to pay compensation to the appellant to the extent of Rs.3,26,901/-.

Having heard learned counsel for the respective parties, and since nothing further remains to be contested, as far as the original auction is concerned, we direct the Respondent Nos.8 & 9, to pay to the appellant over and above the amount of compensation, a sum of Rs.23,100/-, by way of compensation, if the amount of compensation has not already been paid, within a period of three months from date. The appeal is disposed of with the aforesaid observations. There will be no order as to costs.

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Contempt Petition © No.352 of 2009:  
( In S.L.P.(c) No.15023 of 2009)

Having regard to the order passed in Civil Appeal No.683 of 2011 arising out of S.L.P.(c) No.15023 of 2009, no further order is required to be passed in this contempt petition, which is accordingly, disposed of.

.....J  
(Altamas Kabir)

.....J  
(Cyriac Joseph)

New Delhi,  
January 17,2011.