

18.12.2020
18
ns Ct.04

CPAN No.1092 of 2018
In
W.PA No.3801 of 2016

Ms. Priyanka Dey.
Versus
Mr. Rajbir Singh & Ors.

Mr. Sujash Ghosh Dastidar ... For applicant.

Mr. U. S. Menon,
Mr. Abhirup Chakraborty
..... For alleged contemnners.

Alleged contemnners had preferred delayed appeal against the order, violation of which has been alleged in this contempt application. The appeal was dealt with by order dated 19th February, 2020 (Soumen Sen and Saugata Bhattacharyya, JJ.). View taken is reproduced below:-

“On such consideration, we feel that it was not necessary to file any appeal against the order dated 24th August, 2018. The Court deciding the contempt application cannot travel beyond the order passed as it is limited only to the examination of the compliance of the said order and not with regard to the correctness, validity or legality of the order or steps taken afresh in compliance of the order dated 24th August,

2018. If the writ petitioner dissatisfied with the standard proof of reference furnished to the writ petitioner in regard to the flour remaining questions to demonstrate that there are no errors in any or all of them then it may give rise to a fresh cause of action and may not be a subject matter of the contempt application..”

Direction made by this Bench in order dated 24th August, 2018, disposing of applicant’s writ petition was as is extracted from said order:-

“There will be an order in terms of prayer (a) to be complied with within a period of four weeks from date of communication of this order. Standard proof for reference is to be furnished to petitioner in regard to the four remaining questions, to demonstrate there are no errors in any or all of them, if that is view of experts of the Board even on review.”

In this contempt application, allegation was that standard proof was not furnished and such was reason for to ascertain whether there should be cognizance for contempt. Alleged contemnors were given opportunities to file standard proof of reference. On failure to produce standard proof, this Bench had observed that if they are incapable of complying with the order, they should prefer appeal, rather than being hauled up in contempt. Hence, the delayed appeal. By reason of view taken therein, this

Bench cannot do anything further for applicant. Applicant must find her remedy.

The contempt application is disposed of as covered by appeal Court's order dated 19th February, 2020. Mr. Ghosh Dastidar, learned advocate appears on behalf of applicant and his submission is recorded that appeal Court's order is interference with powers in contempt under section 11 of Contempt of Courts Act, 1971.

(Arindam Sinha, J.)