

S/L No.1,
wt2

16.02.2022
Ct-29
(AD)

CPAN 948 of 2019

Shri Bhaskar Das
vs.

Mr. Baruah Sailaja Ray, the Chief Commissioner of
Customs & Anr.

With

IA No.:CAN 1 of 2021

In

WPCT 35 of 2018
(Assigned)

Mr. Jayanta Banerjee
Mr. Subrata Guha Biswas
Ms. Priyamvada Singh

...for the Petitioner.

Mr. Bhaskar Prosad Banerjee

... for the alleged contemnors .

Petitioner seeks implementation of the order dated
August 28, 2018 passed in WPCT 35 of 2018.

By such order, the following directions were
passed:

“Having heard the learned Advocate appearing on behalf of the respective parties as also after considering the facts and circumstances of this case, we find that criminal trial was disposed of on September 22, 2004. The learned Tribunal found that there was absence of proper explanation to the satisfaction of the learned Tribunal for making the aforesaid inordinate delay to file the original application.

After considering the aforesaid facts and circumstances, we are of the considered view that there is no scope to interfere with the order impugned to this writ application.

This writ application stands dismissed.

This order, however, will not stand in the way

for the respondent authorities to pay the benefits arising out of the services of the petitioner, if any, in accordance with law.”

Pursuant to such order, the department issued a letter dated August 8, 2019 to the petitioner requiring the petitioner to submit Form 4, Annexure ‘C’ and Form for GPF final payment duly filled and signed at the earliest to process the claim of the petitioner.

In the strict sense, it cannot be said that the authorities did not comply with the directions contained in the order dated August 28, 2018. The petitioner failed to submit the requisite details along with the requisite forms as called for by the letter dated August 8, 2019.

It is the contention of the petitioner that he is unable to fill up the details. There are certain details, which are required to be filled up by the authorities only after the details, which are available to the petitioner, are filled up and submitted.

Since the petitioner failed to discharge his obligations, we are of the view that the authorities cannot be faulted. In such circumstances, we find no merit in the present contempt petition.

Accordingly, the contempt petition being CPAN 948 of 2019 is disposed of.

In Re: IA No.:CAN 1 of 2021

The cause shown in the application for modification of the order dated March 6, 2020 is accepted as sufficient.

In view of the disposal of the contempt petition, the

presence of the alleged contemnor no.2 is dispensed with.

IA No.:CAN 1 of 2021 is disposed of.

(Debangsu Basak, J.)

(Shampa Sarkar, J.)

