

26.08.2022
Crt.11
Item Nos. 2-3.
b.r

CPAN 692 of 2018

Dr. Subhas Chandra Bhat
-vs-
Madhumita Ray & Ors.
With
W.P.A No. 7351 of 2017

Dr. Subhas Chandra Bhat
-vs-
The State of West Bengal & Ors.

Mr. N.C. Behani
Mrs. Papiya Banerjee Behani
Mr. Soumyajit Ghosh
Mr. Soumya Mukherjee
Mrs. K. Singh
..... for the appellant.

Mr. Santanu Mitra, Sr. Govt. Advocate.
Mr. Subrata Dasgupta
Mr. Suddhadev Adak
.... For the State.

Party/parties is/are represented in the order of their name/names as printed above in the cause-title.

Mr. Behani, Learned Counsel, appears in support of the Contempt Application. The Contempt Application alleges deliberate non-compliance by the alleged Contemnors of the solemn order of this Court dated 17th May, 2017 in the writ petition being WP 7351(W) of 2017.

Mr. Santanu Mitra, Learned Senior Government Advocate appearing for the alleged Contemnors with Mr. Subrata Dasgupta, Learned Advocate, submits that an appeal has been filed against the order dated 17th May, 2017(supra). Such appeal is pending for consideration.

Mr. Mitra submits that time may be granted to revert to this Court with subsequent developments.

Mr. Behani takes this Court to the operating portion of the order of this Court dated 17th May, 2017(supra). The operative portion reads as follows:-

“Having considered the submissions of the parties and the materials placed, this Court is of the view that the order dated 24th April, 2017(supra) recognises the finality of the terms of the solemn order of the Hon’ble Co-ordinate Bench dated 1st March, 2016 which has been already implemented by the competent State Authority. This Court accordingly grants parity of treatment to the petitioner on the same terms as directed by the order dated 1st March, 2016(supra) and, respectfully approved by the order of this Court dated 24th April, 2016.”

Mr. Bihani submits that since the order dated 17th May, 2017 follows the earlier adjudication of the Court dated 24th April, 2017 and the still earlier adjudication dated 1st March, 2016, in view of the fact that the earlier orders dated 24th April, 2017 and the 1st of March, 2016 have attained finality and also implemented by the

alleged Contemnors, the present appeal claimed to have been filed by the alleged Contemnors carries a little substance.

It is furthermore pointed out that although the order in the writ petition has been passed on 17th May, 2017, which is the subject matter of this Contempt Application, the appeal has been filed by the alleged Contemnors nearly two years thereafter on the 11th of March, 2019 and the stay application has been filed more than three years thereafter on the 16th of August, 2020.

In the backdrop of the above facts, Mr. Behani questions the seriousness of the alleged Contemnors in pursuing their remedy by way of the appeal and delaying the implementation of the order dated 17th May, 2017, although similar orders dated 24th April, 2017 and 1st of March, 2016 (*supra*) have been already implemented in favour of the concerned writ petitioners.

This Court finds sufficient *prima facie* substance in the submissions of Mr. Behani.

However, this Court grants time to Mr. Mitra, as sought for, to revert to this Court with instructions on the next date.

Leave is also granted to the petitioners to amend the cause title and serve the amended copies containing

details of the impleaded alleged Contemnors on Mr. Mitra.

Let the matter next appear under the same heading **“Application”** on the **23rd of September, 2022.**

Parties to act in terms of the copy of the order downloaded from the official website of this Court.

(Subrata Talukdar, J.)