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09.10.2020
Court. No.12
b.das

CPAN 505 of 2020
CAN 4282 of 2020
in
WPA 6066 of 2020
(Via Video Conference)

Siddhartha Mitra & Anr.
Vs.
Shri Onkar Singh Meena & Ors.

Mr. Probal Kr. Mukherjee, Sr. Adv.
Mr. Arnab Mukherjee
.....for the applicants.
Mr. Sabyasachi Chaudhury
Mr. Rajarshri Dutta
Mr. Bimalendu Das
...for the contemnor Nos. 4, 5 & 6.

Heard Senior counsel appearing for the applicants and the alleged contemnor Nos. 4 to 6. Alleged contemnor Nos. 1 to 3 are not represented.

Mr. Mukherjee appearing for the applicants submits that petitioners by taking a decision and issuing a notification containing voting instructions for the election to the Board 2020-2023 inter alia, through electronic voting, has acted in violation of the directions contained in order dated 7th August, 2020.

Furthermore, he submits a writ petition being WPA No.7793 of 2020 was filed challenging the said notification where a learned Single Judge of this Court after considering Rule 12.9 of the South City Apartment

Owners' Rules, was of the view that such Rule ran counter to the statutory bye-laws, mainly Rule 4(9) of West Bengal Apartment Ownership Bye-laws, 1974 and directed that the election to the Board be conducted as per the aforesaid bye-law.

Mr. Chaudhury, appearing for the alleged contemnor Nos.4 to 6 does not dispute such fact. He, however, submits his clients propose to challenge this order in appeal and that they have no intention of holding elections in terms of the notification, which is the subject matter of the contempt proceeding. In view of such assurance, no interim order need be passed in the matter.

Parties are at liberty to take appropriate legal steps in accordance with law in the collateral proceeding if so advised.

Affidavit-in-opposition to the application be filed by the alleged contemnors within two weeks after vacation, reply, if any, one week thereafter.

Matter will appear four weeks after vacation.

Copy of this order be served on the alleged contemnor Nos.1 to 3 for due compliance.

(Joymalya Bagchi, J.)