

14 & 15
04.03.2021
KC

C.P.A.N.32 of 2020
in
W.P. 14475(W) of 2019
Chandan Mandal & Ors.
Vs.
Rajarshi Mitra

Mr. Sufi Kamal.
... for the petitioner.

Mr. Abhratosh Majumdar
Mr. T. M. Siddiqui
Mr. Nilotpall Chatterjee.
... for the alleged contemnor.

The petitioner complains of violation of the order dated August 7, 2019 passed in W.P. No. 14475(W) of 2019.

Learned Additional Advocate General appearing for the alleged contemnor submits that, subsequent to the order dated August 7, 2019, the State Government issued a circular dated August 9, 2019, by which, the State Government called upon every functionary in the State to surrender unutilised funds under the 'Gitanjali Housing Scheme'. He submits that, subsequent to August 9, 2021 no funds were made available to any district for the purpose of disbursement under the 'Gitanjali Housing Scheme'.

Referring to the documents, which the petitioner

relies upon in the affidavit-in-reply, he submits that, there is no disbursement subsequent to August 9, 2019. He submits that, the documents of disbursements are of 2018 and that too pursuant to an order passed by a Court in a contempt petition. Therefore, he submits that since no funds are available under the scheme, the question of disbursing the funds to the eligible petitioners does not arise.

By the order dated August 7, 2019, the submission of the State that funds of the particular scheme are not available for the financial year concerned, was placed on record. In view of such stand, the State Authorities were directed to disburse fund to the eligible petitioners in accordance with law within December, 2019.

Apparently, the State Government withdrew the scheme with effect from August 9, 2019.

In such circumstances, it cannot be said that the alleged contemnor are guilty of willful violation of the order dated August 9, 2019.

CPAN 32 of 2020 is disposed of accordingly without any order as to costs.

(Debangsu Basak, J.)

