

9th April, 2021
(D/L No.4)
(SKB)

CPAN 788 of 2017
In
W.P.A. 3158 of 2016
(Via Video Conference)

With
CAN 1 of 2016 (Old No. CAN 8409 of 2016)
CAN 2 of 2017 (Old No. CAN 4665 of 2017)

Kamlesh Jain @ Kamlesh Jain
Versus
Santosh Sethi

Mr. Krishna Das Poddar,
Mr. Ayan Mitra
... for the applicant/petitioner

Mr. M. S. Tiwari,
Mr. Hemant Tiwari,
Mr. Santosh Jain
... for the alleged contemnor

Re: CPAN 788 of 2017

This contempt proceeding arises out of an order dated 27th January, 2017 passed by Hon'ble Justice Rajiv Sharma (as His Lordship then was). Although detailed arguments have been made by the applicant/petitioner and the alleged contemnor no.4 with regard to the compliance of the order dated 27th January, 2017 as clarified by orders passed thereafter, a few relevant documents annexed to a supplementary affidavit filed by the Secretary of the alleged contemnor no.4 dated 29th February, 2020 shows that payment of Rs.3,84,685/- and Rs.51,200/- have been paid by the alleged contemnor

no.4 to the applicant/petitioner by way of two demand drafts. The first draft is dated 24th February, 2021 and the second draft has been recorded in the letter of the advocate on record of the alleged contemnor dated 24th February, 2021. These payments amounting to Rs.4,35,885/-.

The letter of the applicant/petitioner to the alleged contemnor no.4 dated 21st January, 2021 sets out a detailed calculation by him showing that an amount of Rs.4,23,219.32/- was due and payable to the applicant/petitioner as on that date.

Although learned counsel appearing for the applicant/petitioner claims interest “up to date”, this prayer cannot be allowed in view of the order dated 11th May, 2016 passed by a learned single Judge of this court by which interest calculated @ 8% per cent annum was directed to be paid by the concerned school along with the gratuity amount. The order does not show that the interest should be paid till the date of realization of the payment. The order in contempt, namely, the order dated 27th January, 2017 also does not mention any interest component which is to be paid to the applicant/petitioner.

In view of the documents which have been referred to above showing that an amount of Rs.4,35,885/- has been paid by the alleged contemnor no.4 to the applicant/petitioner and received by the

applicant/petitioner, nothing further remains in this contempt application.

The contempt application being CPAN 788 of 2017 is accordingly disposed of in terms of the above.

There will be no order as to costs.

(Moushumi Bhattacharya, J.)