

ORDER SHEET

OD-3

CC No.60 of 2021  
IN THE HIGH COURT AT CALCUTTA  
Special Jurisdiction (Contempt)  
ORIGINAL SIDE

D AND I TAXCON PVT. LTD.  
Versus  
MR. SUBRATA BHATTACHARJEE

BEFORE:  
The Hon'ble JUSTICE MD. NIZAMUDDIN  
Date : 6<sup>th</sup> December, 2021.

APPEARANCE:  
Mr. Tapas Gupta, Adv.  
For petitioner  
Mr. Smarjit Roy Chowdhury, Adv.  
Mr. Soumen Bhattacharjee, Adv.  
...for respondent/contemnor

The Court: Heard learned advocates appearing for the parties.

The contention of the petitioner against the alleged contemnor about the violation of my order dated 7<sup>th</sup> July 2021 is not tenable in the eye of law since according to Mr. Chowdhury, learned advocate appearing for the respondent-alleged contemnor on 6<sup>th</sup> July, 2021 the principal amount along with interest, according to the calculation of the department, has already been paid and, unfortunately, this fact was not brought to the notice of the Court that both the principal amount and the interest was already paid by them one day before moving this application. It shows dishonesty and unfair on the part of the petitioner and furthermore

dispute on quantum of interest cannot be adjudicated by the Court and Court is not the interest determining authority.

Considering these facts, this contempt proceedings is dropped and the contempt petition being CC No.60 of 2021 is dismissed.

(MD. NIZAMUDDIN, J.)

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