

16.09.2022
DL-12
(PP)

IN THE HIGH COURT AT CALCUTTA
SPECIAL CIVIL JURISDICTION
APPELLATE SIDE

CPAN 756 of 2022
in
WPA 15187 of 2021

Smt. Ambabati Mahali
Vs.
Ambika Prasad Panda & Ors.

Mr. Partha Ghosh,
Mr. Amal Kumar Datta,
Ms. Ria Paul,
Mr. Debashis Das,
Ms. Simran Sureka,
Mr. Rahul Agarwala
....for the applicant/petitioner.

Mr. Bijoy Kumar,
Ms. Dipa Roy
....for the alleged contemnors/respondents.

Affidavit of service filed in Court is taken on record.

This is a contempt application arising out of an order dated 18th April, 2022 passed in WPA 15187 of 2021.

At the time when the contempt application was filed there was no order of the Appeal Court in the appeal preferred by ECL against the order dated 18th April, 2022.

The appeal now has been dismissed by modifying the order dated 18th April, 2022 to the extent of allowing higher rate of interest than allowed in the order dated 18th April, 2022.

In the aforesaid facts and circumstances, the order which is executable and contempt can be filed is the order of the Appellate Court dated 2nd September, 2022 passed in MAT No.1006 of 2022 (M/s. Eastern Coalfield Limited vs. Smt. Ambabati Mahali).

In view of the ratio laid down in the judgment reported in **(2012) 4 CLT 711** (M/s. Tetulia Coke Plant (P) Ltd. & Ors. Vs. P. S. Bhattacharya), the contempt application is, therefor, disposed of with liberty to the petitioner to approach the appropriate Court in the facts and circumstances, as stated hereinabove.

(Arindam Mukherjee, J.)