

25.04.2025
sayandeep
Sl. No. 15
Ct. No. 05

CPAN 1042 of 2023
with
WPA 25674 of 2022
With
CAN 1 of 2025

Ashok Kumar Sardar
Vs.
Kingsuk Roy

Mr. Senjuti Sengupta
Mr. Rananeesh Guha thakurata
.....for the applicant
Mr. Tapan Kr. Mukherjee
Ms. Tuli Sinha
.....for the O/C Hare street P.S.
Mr. Bipin Ghosh
.....for the alleged contemnor
Ms. Amrita Pandey
Ms. Sneha Singh
.....for the Delta Ltd.

1. Compliance report as has been filed on behalf of the Officer-in-Charge, Hare Street P.S. is taken on record.
2. From the above, it transpires on 16th April, 2025, three of the Directors of M/s Delta had surrendered at Hare Street P.S. and they were arrested. However, they were enlarged on personal bond and had appeared before the Certificate Officer.
3. Mr. Ghosh, learned advocate, appearing on behalf of the respondent No. 3 has placed a communication dated 16th April, 2025 before this Court wherefrom it would transpire that the Senior Manager of the Delta Ltd. including the Directors of Delta Ltd. have undertook that payment towards Ashoke Kumar Sardar shall be made within 24th April, 2025 to the

extent of Rs. 1,00,000/- and the balance amount of Rs. 72,450/- shall be paid “after Hon’ble Court order”.

4. Since, it is submitted that despite the aforesaid undertaking given before the Certificate Officer, no payment has been made till date, I am of the view that the Certificate Officer is competent enough to take steps for enforcement of the Certificate in accordance with the provisions contained in the Bengal Public Demand Recovery Act, 1913 and can very well enforce the presence of the aforesaid persons for compliance of the said undertaking.
5. Although, Ms. Pandey, learned advocate appearing for the Delta Ltd. would submit that a writ petition has been filed challenging the aforesaid order, I am of the view that the certificate debtor cannot be permitted to re-open the determination already made by a controlling authority under the payment of Gratuity Act, 1972. Further the purported allegation made by Ms. Pandey’s client that the aforesaid undertaking has been obtained by coercion is entirely unfounded as no document in support thereof has been produced.
6. Although, it is claimed that the writ petition has been filed being WPA No. 9165 of 2025, no interim order passed in such proceedings could be placed before this Court.
7. Having regard thereto, I am of the view that there is no impediment on the part of the Certificate Officer to execute the certificate. The Certificate Officer is

directed to ensure compliance of the order passed by
this Court on 13th December, 2022.

8. List this matter on 16th May, 2025.

(Raja Basu Chowdhury, J.)