

13-05-2022
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CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI
SPECIAL CIVIL JURISDICTION (CONTEMPT)

WPCRC 7 of 2022
In
WPA 1422 of 2021
(Through Video Conference)

Tapan Kumar Ghosh

-Versus-

Pankaj Tamang & Ors.

Mr. Subinay Dey,
Mr. Pappu Adhikary

...for the petitioners

Mr. Pinaki Dhole,
Mr. Avishek Prasad

...for the alleged contemnor no.1.

Mr. Y.Z. Dastoor, Id. Additional Solicitor General,
Mr. Sudipta Majumdar, Id. Asst. A.S.G.,
Mr. Siddhartha Lahiri,
Mr. Ajoy Kumar Singhania

...for the North East Frontier Railway

By an order dated April 8, 2022, the petitioner was granted liberty to receive compensation without prejudice to the rights and contentions as regards the calculation and the interest payable thereon.

Counsel for the alleged contemnors, submits that despite repeated requests, the petitioner has not done so.

For raising any grievance as regards the quantum of compensation awarded and the interest, payable therein, the petitioner has an effective remedy under Section 64 of the Fair

Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

The petitioner may file an appeal, if he so advised, against the calculation made by the respondents, within a period of one month from date.

Liberty is once again reserved to the petitioner to receive compensation without prejudice to the rights and contentions, the contempt application shall stand disposed of.

Rule, if any, shall stand discharged.

It is expected that the interest already provided for under the order dated 29.09.2021, shall, however, be payable in terms thereof by the respondents.

Affidavit towards cause shown filed by the contemnor no.1, is taken on record.

There shall be no order as to costs.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)