

CC/6/2022
With
WPO/3/2019

IN THE HIGH COURT AT CALCUTTA

Special Jurisdiction [Contempt]

ORIGINAL SIDE

DR KUNAL SAHA

-Versus-

MRS. DIPAN SEN (MAITY) & ANR.

BEFORE:

The Hon'ble JUSTICE Sabyasachi Bhattacharyya

Date: 7th February, 2022.

(Via Video Conference)

Appearance:
Dr. Kunal Saha, appears in person .
..for the Petitioner.

The Court:-The petitioner, appearing in person, submits that despite the specific direction of this Court vide order dated February 25, 2021 passed in WPO No.3 of 2019 with GA No.2 of 2021, the petitioner would be permitted to appear before the Tribunal below as the opposite parties have been granting unnecessary adjournment in the matter on the pretext of filing further application, again challenging the authority of the petitioner to appear as representative of other litigants in the case. It is contended that such attempts by the opposite parties ought not to be encouraged by the Tribunal, since it tantamounts to flouting the specific observations of this Court.

Dr. Saha, appearing in person with the leave of court, relies on Annexure-A at page 19 of the contempt application, which is a print-out of the said order of this Court dated February 25, 2021 and Annexure-B, an

order dated October 7, 2021 passed by the Tribunal whereby the Tribunal granted time to the opposite parties before it to file further application challenging the authority of Dr. Kunal Saha as representative in the case.

Although the petitioner might have a point in apprehending that the aforementioned method are being adopted just to delay the matter, there is no law to permit this Court to exercise its authority to prevent a litigant from filing applications taking legal objection. The merits of the applications, if so filed, can only be decided after those are filed and not at this premature stage. However, the parties are always entitled to take out applications and advance their legal arguments in support thereof, even if they want to challenge the legal point whether the present petitioner can act as representative in the case.

The previous order passed by this Court on February 25, 2021 does not specifically come in the way of such application being filed, of course, subject to being adjudicated by the Tribunal upon hearing both the parties in accordance with law. In the said order of this Court, the application was disposed of by allowing the petitioner to appear before the respondent no.1 and directing the respondent No. 3, who is the Officer-in-Charge of the New Market Police Station, to provide adequate assistance to the petitioner in the event the petitioner approaches the respondent no.3 with a complaint of being obstructed from appearing before the respondent no.1.

In his usual fairness, the petitioner does not allege that no such assistance was given by the police authorities and/or the petitioner was physically obstructed from entering into the Tribunal for advancing

arguments. However, it is apprehended by the petitioner that, in the above process, the opposite parties are attempting to stall the case indefinitely, against the spirit of this Court's order.

Be that as it may, since, in my opinion, the alleged acts of the respondents do not amount to contempt of Court in any manner, CC No.6 of 2022 is dismissed as not entertained.

However, it is expected that the respondent no.1 shall dispose of the main matter pending at the behest of the petitioner, appearing in person, before the Tribunal, along with all interlocutory applications, if any, within a reasonable period, preferably by September 30, 2022 without granting any unnecessary adjournment to either party.

It is made clear that this Court has not gone into the merits of the tribunal application and it will be open to the learned Tribunal to decide the case pending before it independently, in accordance with law.

No order as to costs.

Urgent certified website copies of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(SABYASACHI BHATTACHARYYA, J.)