

ORDER

OD – 2

IN THE HIGH COURT AT CALCUTTA
SPECIAL CIVIL JURISDICTION
(CONTEMPT)
ORIGINAL SIDE

CC/66/2022
WPO/346/2019
AJAY KUMAR BAGARIA
VERSUS
SOUVICK SIKDAR,
THE CHIEF MANAGER, RENENUE (NORTH) & ANR.

BEFORE:

THE HON'BLE JUSTICE SAUGATA BHATTACHARYYA

DATE : 23rd November 2022.

APPEARANCE:

Mr. Ajay Kumar Bagaria
..... petitioner (in person).

Mr. Ranajit Chatterjee, Advocate
Ms. Manisha Nath, Advocate
.....for alleged contemnors.

The Court:- Contempt application being CC/66/2022 is taken up for consideration on alleged violation of the order passed by this Court dated 10th August 2022.

Applicant, Mr. Ajay Kumar Bagaria, has appeared in person and submits that though an order dated 14th September 2022 was passed by the Chief Manager, Revenue (North), Kolkata Municipal Corporation, but same has been not in consonance with the order dated 10th August, 2022 and there is necessity to initiate contempt proceedings against the appropriate authority of KMC. It has also been submitted that an application has been made for waiver of interest and penalty pursuant to

the order passed by this Court on 10th August 2022, but till date, no decision has been communicated to the applicant on such waiver of interest and penalty.

Mr. Ranajit Chatterjee, learned counsel representing the alleged contemnors, submits that an intra court appeal was preferred against the order dated 10th August 2022 and same stood disposed of vide order dated 15th November 2022. It has been brought to the notice of this Court that the Hon'ble Division Bench while disposing of the appeal extended the time to take decision on application seeking waiver of interest and penalty from the date of the receipt of the order passed by the Hon'ble Appellate Court for a period of ten weeks. It has been submitted by Mr. Chatterjee that the application is pending before the appropriate authority of KMC and a notice has already been issued to the applicant fixing date of hearing on 2nd December 2022.

Having considered the submissions made by the applicant appearing in person and the learned advocate representing the alleged contemnors, it appears that the first part of the order dated 10th August 2022 passed by this Court has been complied with by the Chief Manager, Revenue (North) by passing order dated 14th September 2022. However, the issue relating to waiver of interest and penalty is still pending before the appropriate authority of KMC and it has been submitted by the learned advocate representing the alleged contemnors that within the time stipulated by the Hon'ble Division Bench in the order dated 15th November 2022, decision shall be taken on the application made by the petitioner.

In view of aforesaid position, it appears that till date, there is no willful and deliberate violation of the order passed by this Court on 10th August 2022 and accordingly, the contempt application stands dismissed.

However, this Court has not expressed anything on merit of the order dated 14th September, 2022 and this order shall not preclude the applicant to take steps in accordance with law against said order, if so advised.

(SAUGATA BHATTACHARYYA, J.)

s.kumar