

IN THE HIGH COURT OF ORISSA AT CUTTACK

**CONTC No.6958 Of 2021
(Through hybrid mode)**

***Kalinga Institute of Mining
Engineering and Technology Trust
(KIMET Trust)***

....

Applicant

Mr. Amit Prasad Bose, Advocate

-versus-

***Sushanta Kumar Roul, B.M.,
S.B.I., Chhendipada***

....

Alleged Contemner

Mr. Akhaya Kumar Mishra, Advocate

CORAM: JUSTICE ARINDAM SINHA

**ORDER
11.04.2022**

**Order No.
04.**

1. Mr. Mishra, learned advocate appears on behalf of alleged contemner and files compliance in the form of written submission, supported by affidavit. He submits, annexed is letter dated 4th April, 2022 conveying decision taken by office of alleged contemner, to applicant. He tenders unconditional apology for delay in compliance.
2. Mr. Bose, learned advocate appears on behalf of applicant and submits with reference to the decision of 4th April, 2022. He draws attention to additional affidavit dated 20th February, 2022 of his client, to annexures-14 and 15. He submits, the bank addressed the Trustee-cum-Chairman in respect of eight fixed deposits and now they say the

trust does not have any fixed deposit made by it. It is a clear case of contempt.

3. Applicant has come for cognizance being taken of violation of directions in order dated 12th April, 2021, passed by co-ordinate Bench disposing of the writ petition. The direction is reproduced below.

“So far as the Fixed Deposit of the trust KIMET is concerned, the petitioner may apply for withdrawal from Fixed Deposit before the concerned Bank and the Manager shall take a decision on the applicant in accordance with the rules of the Bank within a month of filing of that application.

With the aforesaid observation, the writ petition is disposed of”.

4. The direction was for a decision being taken by the bank as informed to writ petitioner. This has happened on said communication dated 4th April, 2022, disclosed in the compliance. In event applicant is aggrieved, it has to find remedy by challenging the decision. What is important is that a decision has been taken and informed to applicant. There has been compliance. The apology is accepted.

5. The contempt application is disposed of.

(Arindam Sinha)
Judge