

28.08.2023
Item No. 03
Court No.6.
S. De

M.A.T. 154 of 2023
with
I.A. No. CAN 1 of 2023
I.A. No. CAN 3 of 2023
With
CPAN 856 of 2023

Suman Sengupta & Anr.
Vs
Union of India & Ors.

Mr. Sirsanya Bandyopadhyay,
Mr. Rahul Kumar Singh,
...for the appellants/applicants.
Mr. Saptansu Basu, Ld. Sr. Adv.
Ms. Debasree Dhamali,
Ms. Riya Ghosh,
...for the respondent nos.4&5.
Mr. Ayan Banerjee,
Mr. Arka Kumar Nag,
...for the Special Officer.

In re : I.A. No. CAN 3 of 2023

This application has been taken out by the respondent nos. 4 and 5 for modification of an order dated June 9, 2023, passed in the present appeal.

In the order dated June 9, 2023, there was a direction that the meeting of the Board should be video-graphed. There was a further direction that the video recording should be uploaded on You Tube with the link in the bank's website so that it can be accessed by any interested party. This direction was passed in spite of objection raised by learned senior advocate representing the present applicants.

In the present application, the prayers are as follows :-

“a) Pass necessary direction for sanctioning the Ex-Gratia Bonus of the employees of the Bank at the same rate at which Ex-Gratia Bonus was disbursed for the previous financial year or in the alternative direct the Board of Directors to sanction the Ex-Gratia Bonus at such rate.

b) Delete the direction for uploading Video recording of the proceeding of the Board Meeting held between 15.06.2023 and 17.06.2023 on the ground of confidential and/or pass such appropriate direction/directions as this Hon’ble Court may deem fit and proper.”

In so far as prayer ‘a’ is concerned, none of the parties has any objection to an order being made in terms thereof. Such prayer is allowed. However, it is clarified that such payment will be made as ex-gratia payment and not as bonus.

In so far as prayer ‘b’ is concerned, Mr. Basu, learned senior advocate representing the applicants says that uploading the video recording on You Tube will make it accessible to any and everybody. There are issues of business secrecies. No doubt, the shareholders should be able to access the same. Mr.

Basu, on instruction, says that recording of the Board meeting either in C.D. or in Pendrive will be made over to learned advocate on record for the appellants by the end of working hours on Wednesday (August 30, 2023).

We see some logic in Mr. Basu's submission. It may not be necessary to make the video recording of the Board meeting accessible to the world at large. So long as the shareholders of the bank have access to the same, that should be sufficient.

Accordingly, we direct the applicants to make over to learned advocate on record for the appellants, a copy of the video recording of the Board meeting either in the form of C.D. or Pendrive or in any other electronic form by the end of working hours on August 30, 2023.

Therefore, the direction for uploading the video recording on You Tube stands recalled.

The order dated June 9, 2023 stands modified to the aforesaid extent.

I.A. No. CAN 3 of 2023 is disposed of.

In re : CPAN 856 of 2023

In view of the order passed today in I.A. No. CAN 3 of 2023, nothing remains in the contempt application.

CPAN 856 of 2023 is disposed.

In re : MAT 154 of 2023 & I.A. No. CAN/1/2023

Let the appeal and the connected application be
listed on August 29, 2023.

(Arijit Banerjee, J.)

(Apurba Sinha Ray, J.)