

13.04.2023

**CPAN 959 of 2021  
In  
WPA 9612 of 2020**

**Smt. Nitu Devi  
Vs.  
Mr. Binay Ranjan**

Mr. Supriyo Chattopadhyay  
Ms. Anasuya Bhattacharyya

... .. for the petitioner

Mr. Manik Das

... .. for the contemnor

The order passed by this Court was challenged in appeal by the respondents and the Hon'ble Division Bench delivered a detailed judgment on 22<sup>nd</sup> December, 2022 dismissing the appeal and affirming the order passed by this Bench.

The petitioner complains of violation of the direction passed by this Bench.

An issue of maintainability of the contempt application before this Bench has been raised by the learned advocate representing the alleged contemnor.

Keeping in mind the principle of merger and in view of the ratio laid down in the judgment passed by this Court in M/s. Tetulia Coke Plant (P) Ltd. & Ors. Vs. P.S. Bhattacharya, reported in (2012) 4 CAL LT 711 (HC), this Court is of the opinion that the contempt application will be maintainable before the Hon'ble Division Bench and not before the principal Court which passed the order.

In view of the above, the instant contempt application stands dismissed as not maintainable before this Bench.

It will be open for the petitioner to approach the Hon'ble Division Bench seeking compliance of the direction passed in the order.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

**(Amrita Sinha, J.)**