

D/L.18.
May 17, 2024.
MNS.

CPAN 364 of 2024
in
WPA No.15463 of 2023

Deepak Agarwal
Vs.
Smt. Sheuli Banerjee

Mr. Arnab Das,
Ms. Akansha Yadav,
Ms. Syeda Romana Sultan

... for the petitioner.

Mr.Somnath Ganguly,
Ms. Priyamvada Singh

...for the alleged contemnor.

1. Learned counsel for the alleged contemnor hands over a copy of an order, which is kept on record.
2. It is submitted that in compliance of the direction of this court, such reasoned order has been passed by the alleged contemnor / Competent Authority.
3. Learned counsel for the petitioner vehemently argues that the order handed over in Court today does not comply with the direction of this court. By pointing out to several portions of the said order, the petitioner argues that the same is as cryptic as possible.
4. That apart, it is pointed out that despite having found in the said order that there have been several deviations, the alleged contemnor did

not take any measure as contemplated in Section 16B of the West Bengal Apartment Ownership Act, 1972.

5. Upon a perusal of the said order handed over in court, it transpires that the same substantially complies with the direction of this Court. The alleged contemnor has dealt with all the allegations in her own manner and has decided on those.
6. If the petitioner is aggrieved with the said order on merits, it is always open to the petitioner to prefer a challenge in a properly constituted writ petition.
7. However, the court, while hearing a contempt application, cannot enter into the merits and/or the legality of the order passed by the competent authority.
8. In such view of the matter, this court is of the opinion that substantial compliance of the order of this court has been carried out, although late. The alleged contemnor, through counsel, tenders unconditional apology for the delay, which is accepted.
9. In such view of the matter, there is no use keeping the contempt application subsisting further.
10. Accordingly, CPAN 364 of 2024 is disposed of.

11. The petitioner will be at liberty, however, to challenge the order passed by the Competent Authority in accordance with law.
12. There will be no order as to costs.
13. Urgent photostat certified copies of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

(Sabyasachi Bhattacharyya, J.)