

17.01.2025
Court No.23
DL/Item No.-3
[Milan, A.R. (Ct.)]

**IN THE HIGH COURT AT CALCUTTA
Special Civil Jurisdiction
(Contempt)
Appellate Side**

**CPAN 1837 of 2024
In
WPA 7928 of 2024**

**Neur Prasad Shaw & Anr.
versus
Biswajit Basu, Certificate Officer**

Mr. R. Guha Thakurta,
Mr. S. Sengupta

....for the petitioners/applicants

Mr. Bibekananda Tripathy,
Mr. Kaustav Chatterjee

....for the alleged contemnor

By an order dated 20th December, 2024, on the basis of the computation provided by the alleged contemnor being the concerned Certificate Officer, a sum of Rs.83,946/- was directed to be paid to the petitioner on account of outstanding compound interest to comply with the order under contempt dated 3rd April, 2024. The alleged contemnor/Certificate Officer has handed over a cheque of Rs.47,870/-.

The alleged contemnor has filed a report signed by him on 7th January, 2025 which is taken on record.

On a perusal of the report, it appears that the alleged contemnor has reduced the amount of compound interest from Rs.83,946/- to Rs.47,870/- in view of the mode of computation stipulated by another

Co-Ordinate Bench dated 24th December, 2024 while disposing of three writ petitions being WPA 11387 of 2024, WPA 11392 of 2024 and WPA 11423 of 2024. The pendency of the said three writ petitions were brought to the notice of this Court at the time of hearing on 20th December, 2024, when it was clearly indicated in the said order that the pendency of the said three writ petitions will have no bearing in respect of the present matter.

It is settled beyond doubt that a decision in a matter is on the facts and circumstances of the particular case. It is ordinarily an order *in personam* and not an order *in rem* unless it is specified therein. The mode of computation indicated by the Co-ordinate Bench while disposing of the said three writ petitions, therefor, has to be followed in respect of the matters disposed of by the said Co-Ordinate Bench. This matter had been decided much prior to the judgment passed by the Co-Ordinate Bench while disposing of the aforesaid three writ petitions being WPA 11387 of 2024, WPA 11392 of 2024 and WPA 11423 of 2024. The petitioner was not a party in any of the said three writ petitions and as such the orders passed therein will also not bind the petitioner.

In the aforesaid facts and circumstances, the Certificate Officer is directed to ensure payment of the balance amount between Rs.83,946/- and Rs.47,870/-

is Rs.36,076/- within a period of 10 days from the date this order. In order to ascertain the compliance of this order, let this matter appear on 31st January, 2025.

(Arindam Mukherjee, J.)