

S/L 3
19.12.2024
Court. No. 551
Sourav

**CPAN 1192 of 2024
In
WPA 11914 of 2021**

**Sri Subhasish Das & Ors.
Vs.
Aswini Kumar Yadav & Ors.**

*Mr. Malay Dhar
Mr. Shouvik Naskar
Mr. Amit Bikram Mahata*

...for the petitioners.

*Mr. Amitesh Banerjee, Sr. Standing Counsel
Mr. Debangshu Dinda*

...for the State.

1. Mr. Banerjee, learned Senior Advocate appearing on behalf of the State at the very outset has filed a photocopy of the letter dated 10.12.2024 as written to the learned Registrar (LO & M), Appellate Side, High Court at Calcutta.
2. It is submitted by Mr. Banerjee that challenging the judgment and order dated February 8, 2024 as passed in WPA 11914 of 2021, the alleged contemnors more specifically the State has preferred an appeal being MAT 952 of 2024 and it would reveal from the photocopy of the letter dated 10.12.2024 that for some reasons or other the file of the aforementioned appeal is not be traceable and for which the matter could not be listed before the Hon'ble Division Bench having determination.
3. Mr. Banerjee, learned Senior Advocate further submits that even after submission of the letter dated 10.12.2024, the relevant file relating to MAT 952 of 2024 could not be traced as on today. Mr. Banerjee,

further submits that the matter was brought to the notice of the Hon'ble Division Bench having determination but on account of non-availability of the file, the matter could not be listed. Mr. Banerjee, thus prays for adjournment.

4. Prayer for adjournment is vehemently opposed by Mr. Dhar, learned advocate for the petitioners.
5. It is submitted by Mr. Dhar that as on today neither any notice has been served regarding mentioning of the aforementioned appeal nor a copy of the stay application as filed in connection with MAT 952 of 2024 has been served upon him though according to the alleged contemnors, the appeal was filed on May 14, 2024. Mr. Dhar thus submits that in view of such action, the instant matter may be proceeded with.
6. On perusal of the entire materials as placed before this Court and after considering the respective submissions of the learned advocates for the parties, this Court finds sufficient justification in the submission of Mr. Banerjee, learned Senior Advocate for the State. Accordingly, prayer for adjournment is allowed.
7. Let the matter be listed on January 21, 2025 under the same heading.
8. It is made clear that in the event on the adjourned date, the alleged contemnors have failed to bring any stay order, this Court shall have no other alternative but to proceed with the instant contempt matter.

(Partha Sarathi Sen, J.)