

4th October,
2024
(AK)
01

WPCRC 124 of 2024
In
WPA 8492 of 2024

Banibrota Mondal
Vs.
Umesh Ray, Branch Manager, RBL Bank Limited,
Golpark Branch and another

Mr. Arik Banerjee
Mr. Pujon Chatterjee
Mr. Sutosom Bhattacharyya
...for the petitioner.

Mr. Shounak Mukherjee
Ms. Pooja Chakraborti
Ms. Arti Bhattacharyya
Ms. Akshita Bohra
...for the alleged contemnors.

1. Learned counsel for the alleged contemnors submits that the alleged contemnors are present in court today and have prepared show causes in reply to the Rule issued.
2. It is submitted that within two hours from the passing of the last order of this court, the accounts of the contemnor have been de-frozen.
3. However, since the Commissioner of Oath has not yet come, learned counsel for the alleged contemnors seeks some time to file the show causes after affirmation during the course of the day.
4. Such leave is granted.

5. A primary perusal of the intended show causes indicates that the account-in-question has been de-frozen.
6. Learned counsel for the petitioner submits that only after the order of this court has the account been de-frozen.
7. That apart, a fixed deposit of the petitioner has been de-frozen only this morning. However, it is alleged by the petitioner that an amount of Rs.5 Lakh has been transferred from the said account despite the order of this court.
8. A perusal of the order of this court shows that the same was only restricted to the de-freezing of the petitioner's accounts on the grounds as mentioned in the said order.
9. In the event the petitioner is aggrieved by the alleged unauthorized transfer, if any, from the fixed deposit, the same furnishes a fresh cause of action for the petitioner, particularly in view of the fact that apparently there are some serious allegations of criminal nature in respect of the account.
10. Be that as it may, although belatedly, since the alleged contemnors have now de-frozen the accounts of the petitioner, the order of this court has substantially been carried out.
11. In respect of the delay in complying with the order of this court, it is submitted that in view of there

being several complaints in respect of the account from different locations, the alleged contemnors had to take appropriate approval from the higher authorities, for which it took some time to de-freeze the accounts.

12. Accepting such reasons for the delay as sufficient explanation, the court finds that since the order has been substantially carried out, there is no further use in keeping the contempt application pending.
13. Accordingly, WPCRC 124 of 2024 is discharged.
14. Further personal appearance of the alleged contemnors is dispensed with.
15. The connected contempt application is, accordingly, disposed of.
16. Leave is granted to the petitioner, however, to take appropriate steps in accordance with law in respect of the allegedly unlawful transfer from the fixed deposit of the petitioner.
17. Nothing in this order shall prevent or prejudice the rights of the petitioner in doing so.
18. Urgent photostat copies of this order, if applied for, be given to the parties upon compliance of all requisite formalities.

(Sabyasachi Bhattacharyya, J.)