

20th December,
2024
(AK)
06

C.P.A.N 1311 of 2024
in
WPA 2038 of 2024

Surajit Mukherjee
Vs.
Sunil Mehta and others

Mr. Avirup Mondal
Mr. Soumalya Ganguli, Advs.
...for the petitioner.

Mr. Samrat Sen, Snr. Adv.
Mr. Abhishek Banerjee
Ms. Parna Roy Choudhury, Advs.
...for the alleged contemnors.

1. The affidavits-in-opposition and affidavit-in-reply filed today be kept on record.
2. Learned counsel for the petitioner contends that in violation of the interim order of this court restraining the respondents/alleged contemnors from giving effect to the impugned blacklisting of the petitioner a valuer in the respondents-Banks, the alleged contemnors (representing the Punjab National Bank) have blacklisted the petitioner by dropping him from the fresh panel of valuers which has been now published by the alleged contemnors.
3. Learned counsel appearing for the alleged contemnors places reliance on the affidavit-in-opposition where it has been stated that the decision to drop the petitioner's name from the

fresh panel for the year 2024 was taken not consequent to the impugned blacklisting but in terms of a previous decision which had already been taken independently of such blacklisting on other grounds.

4. It is contended that new applications were sought for empanelment of valuers of the Punjab National Bank, the last date of submission of which was December 12, 2023.
5. The petitioner accordingly applied for being so empanelled on December 11, 2023.
6. The learned Advocate for the alleged contemnor places reliance on annexures to the opposition to indicate that there was an internal communication within the Punjab National Bank which clearly shows that on January 16, 2024, the petitioner's name was considered for the new panel but was turned down on the ground of discrepancy in valuation of property.
7. The said internal communication and its annexure, which is a list of the applicants not considered for empanelment, furnishing reasons for the rejection of the petitioner's and two other applicants' fresh applications, have been annexed at pages-16 and 17 of the affidavit-in-opposition.
8. Subsequently, on April 18, 2024, after the order of this court, the new panel was published, without

the name of the petitioner, in pursuance of the previous decision taken on January 16, 2024.

9. Hence, the exclusion of the petitioner's name from the fresh panel of valuers is entirely independent of the blacklisting which is impugned in the writ petition and based on certain other grounds, as reflected in the annexures to the affidavit-in-opposition.
10. At this juncture, learned counsel for the petitioner points out that in paragraph no.8 of the affidavit-in-opposition, the alleged contemnors have stated that the petitioner was lastly empanelled on 18-03-2024.
11. Learned counsel for the alleged contemnors submits that the same is a typographical error whereby the numbers of the month and the year have been erroneously interchanged.
12. In support of her contention that the same was merely an error, learned counsel places reliance on the fresh panel annexed to the affidavit-in-opposition, which indicates that the date of publication of the same was 18-04-23.
13. Upon a perusal of the said annexure, I find that there is sufficient scope of granting the benefit of doubt to the alleged contemnor inasmuch as the error in the pleading in paragraph no. 8 of the

alleged contemnors' affidavit is corroborated by the annexures to the affidavit-in-opposition.

14. As such, it is evident that the refusal to empanel the petitioner in the fresh panel of valuers for the year of 2024 was due to reasons other than the blacklisting which is impugned in the writ petition.
15. Since the contempt jurisdiction ought not to be exercised unless a deliberate contumacious act of the alleged contemnor is established beyond reasonable doubt and such jurisdiction is exercised as a last resort, I am of the opinion that no such case for taking penal measures for contempt against the alleged contemnor has been made out.
16. Accordingly, CPAN 1311 of 2024 is dismissed.
17. However, it is made clear that it will be open to the petitioner to assail the exclusion of the petitioner from the valuer's panel of the Punjab National Bank for the year 2024, on the ground that there was discrepancy in valuation of property from the end of the petitioner, in a properly constituted challenge before this court.
18. It is further made clear that in view of the submission of learned counsel for the alleged contemnor that the impugned blacklisting shall not come in the way of consideration of the petitioner if the petitioner applies for empanelment afresh in future years, it is recorded that such blacklisting

shall not be a consideration for refusing the petitioner's applications for future empanelment, of course, subject to the final outcome of the writ petition.

19. There will be no order as to costs.
20. Urgent photostat copies of this order, if applied for, be given to the parties upon compliance of all requisite formalities.

(Sabyasachi Bhattacharyya, J.)