

AD-20
05.07.2024
TN

CPAN 418 of 2024
IA No: CAN 1 of 2024
In
WPA 20096 of 2023

Krishan Mohta
Vs.
Sri Debadatta Chand, MD & CEO, Bank of Baroda
and another

Mr. Niloy Sengupta,
Mr. Sujit Banerjee

.... for the petitioner

Ms. Sayani Roy Chowdhury

....for the UOI

Mr. Avishek Guha,
Ms. Aditi Nandi

....for the respondent no. 3

In Re: CAN 1 of 2024

- 1.** CAN 1 of 2024 has been filed for appropriate orders, virtually seeking review/recall of the parent order passed in the writ petition but in connection with the present contempt application.
- 2.** It is well-settled that the court, sitting in contempt jurisdiction, cannot go behind the original order and, as such, the petitioner was misdirected in preferring the application for appropriate order in connection with the contempt application.
- 3.** Accordingly, CAN 1 of 2024 is disposed of as not maintainable before the contempt court with liberty to the petitioner to file the self-same application in connection with the order passed in the writ petition

before the regular Bench having determination to take up such writ petitions.

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4. Insofar as the contempt application is concerned, in view of the above disposal of the appropriate order application, the contempt revives for the time being.
5. In any event, learned counsel appearing for the alleged contemnors submits that the alleged contemnors have already given a personal hearing to the petitioner but the decision thereon is still under process. It is assured on instruction that the process is about to be completed within an outer limit of ten days.
6. It may, however, be added that the learned Advocate for the petitioner denies having been given a personal hearing.
7. Keeping in view such submission of the alleged contemnors, let the matter stand adjourned till July 19, 2024, when it will be listed under the same heading.
8. The petitioner will be at liberty to proceed with a fresh filing of the appropriate order application before the regular court taking up such writ matters in the meantime.

(Sabyasachi Bhattacharyya, J.)