

**Calcutta High Court
In The Circuit Bench at Jalpaiguri
Appellate Jurisdiction**

30 09.4.2024
Sc Ct. no.2

**CPAN 71 OF 2023
in
WPA 484 OF 2023**

Dr. Sunil Kumar Jana

Vs.

Professor Smt. Jayasree Roy Chaudhury,
Director of Public Instruction, West Bengal
(Science and Technology & Bio-Technology Section)
N.G.C. Pension Section, Bikash Bhavan
Salt Lake City & Anr.

Ms. Suman Sehanabis (Mondal)

....For the Petitioner

Mr. Anirban Banerjee

Mr. Sandip Dutta.

....For the Alleged
Contemnor No.2

This is an application for contempt arising
from the order dated **April 10, 2023** passed by this
Court.

The relevant portion of the said order dated
April 10, 2023 wherefrom the petitioner has
alleged willful violation of the order on the part of
the alleged contemnors is quoted below :

*“ The respondent no.3 then shall
also consider and furnish the petitioner
the details of the provident fund dues
should have been paid to the petitioner
by the employer and after adjusting the
amount already paid to the petitioner,
shall also come to a conclusion, as to
what quantum is still payable to the*

petitioner on account of provident fund also.”

Ms. Suman Sehanabis, learned counsel appearing for the petitioner refers to a document at **page 15** to the affidavit-in-opposition filed by the alleged contemnor no.2 affirmed on December 1, 2023 and submits that, as per the calculation held by the alleged contemnors a total sum of **Rs.63,279/-** has already been paid to the petitioner and the petitioner has received it. Learned counsel for the petitioner then submits that, the said amount was paid comprising of principal of **Rs.29,374/-** as on February 28, 2022 and interest of **Rs.30,905/-** for the year 2021-22, aggregating to the said sum of **Rs.63,279/-**.

Learned counsel for the petitioner then refers to a document at **page 15** from the affidavit-in-reply, filed by the petitioner, affirmed on December 20, 2023 and submits that, as per the calculation of the alleged contemnors the petitioner is eligible to receive more amount, as per the **closing balance** as on **November 20, 2023** being **Rs.73,878/-** as principal and interest of **Rs.8,954/-**.

In the light of the above, learned counsel for the petitioner submits that, there is a willful

violation of the direction of this Court and hence, contempt.

Mr. Anirban Banerjee, learned counsel appears for the alleged contemnor no.2. The rest of the contemnors is not represented.

After considering the submissions made on behalf of the parties and upon perusal of the materials on record, it appears to this Court that, even if without prejudice to the rights and contentions of the alleged contemnors that the correct amount has already been paid to the petitioner, the contention of the petitioner is accepted, then it becomes a clear accounting dispute which cannot be gone into in the contempt jurisdiction of this Court.

The contempt proceeding is a quasi criminal proceeding. To establish the charge of contempt, the petitioner first must establish that, there is a willful and deliberate violation on the part of the alleged contemnors by not complying the direction of the Court.

In the facts of this case, this Court is of the considered view that, there is no such willful or deliberate violation on the part of the alleged contemnors and the direction of the Court has been

carried out by the alleged contemnors. It is the settled proposition of law that, if a dispute is raised in a contempt proceeding which requires a detailed enquiry to be gone into including a fact finding enquiry, as the accounting dispute raised by the petitioner in the instant case, no contempt proceeding shall lie.

In view of the foregoing reasons and discussions, this Court is of the firm view that, there is no contempt on the part of the alleged contemnors.

Accordingly, this contempt proceeding **CPAN 71 OF 2023** stands ***dropped and closed***.

The application being **CPAN 71 of 2023** stands ***dismissed***, without any order as to costs.

However, if there is any accounting dispute between the petitioner and the appropriate authority, the petitioner shall be at liberty to submit a detailed representation before the appropriate authority for its consideration.

If such a representation is made, the appropriate/jurisdictional authority shall consider the same by passing a reasoned order and the reasoned order shall be communicated to the petitioner forthwith.

The parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Aniruddha Roy, J.)