

OD-2

IN THE HIGH COURT AT CALCUTTA
Special Jurisdiction (Contempt)
ORIGINAL SIDE

CC/1/2024
WITH
WPO/274/2020
IA NO: GA/1/2024

M/S ALOM POLY EXTRUSIONS LIMITED AND ANR
VS
SMT. VANDANA YADAV AND ORS

BEFORE:

The Hon'ble JUSTICE SABYASACHI BHATTACHARYYA

Date : 20th December, 2024

Appearance:
Mr. T. M. Siddiqui, Adv.
Mr. T. Chakraborty, Adv.
Mr. S. Adak, Adv.
...for the alleged contemnor

Mr. Tapan Kumar Mukherjee, Adv.
Mr. Pinaki Dhole, Adv.
Mr. Somnath Naskar, Adv.
...for the contemnor no. 5

The Court:- Learned counsel for the petitioners argues that although the principal amount as per the direction of this Court, which was substantially affirmed by the Division Bench and up to the Supreme Court, has been paid, deducting a sum of Rs.10 lakhs and odd, the interest component thereof has not been paid by the alleged contemnor.

Learned counsel takes the court through the orders of this court and the Division Bench. Whereas this court had directed interest to be paid in the event the principal subsidy was not paid within a period of three months from the

order of this court, the Division Bench, in its order, categorically observed that the respondents shall not be entitled to any interest.

It is argued that the petitioner had contended before the Division Bench that the interest for the entire period should be granted. The Division Bench, it is submitted, confined the mitigation of the interest component to the three years of pendency of the writ petition only. As such, for the rest of the delay, interest ought to be paid.

Upon hearing learned counsel for both sides, I am unable to accept such contention of the petitioner.

The Division Bench order clearly states that the respondent shall not be entitled to any interest. The preceding sentences in the said order were only by way of reasoning for the said conclusion. The Division Bench observed that the prayer of the present petitioner (respondent before the Division Bench) to the effect that subsidy amount may be paid along with interest was negated, since the adjudication was whether the respondent was entitled to grant of subsidy and the writ petition was pending for three years and the matter stood finally resolved as of then.

Thus, whatever might have been the logic of the Division Bench, which in the passing mentioned the period of pendency of the writ petition, the ultimate conclusion was clear to the effect that the interest component of this court's order was negated. The Supreme Court merely extended the time for payment but retained the order of the Division Bench. As such, in view of the above order of the Division Bench, I do not find any reason for directing the contemnors to pay any interest on the principal subsidy at all.

Insofar as the deduction of Rs.10 lakhs and odd from the principal amount on account of processing charges etc., the said falls within legitimate deductions as contemplated by law and procedure and as such, I am of the opinion that the alleged contemnor has mitigated its contempt.

Hence, I do not find any reason to further retain the contempt application on the board.

Accordingly, CC/1/2024 along with GA/1/2024 are disposed of as infructuous.

The consequential Rule issued earlier is discharged.

(SABYASACHI BHATTACHARYYA, J.)