

OD-1

ORDER SHEET

CC 32 of 2024

In

GA 1 of 2023

CS 173 of 2023

IN THE HIGH COURT AT CALCUTTA

SPECIAL CIVIL JURISDICTION (CONTEMPT)

ORIGINAL SIDE

RAJAT KUMAR SINGH

VS.

LALTU KUMAR DAS

BEFORE:

The Hon'ble JUSTICE ARINDAM MUKHERJEE

Date: 9th July, 2024.

Mr. Suman Dutt, Mr. Ayan Kumar Boral, Ms.
Samhita Mukherjee, Advocates for the petitioner.

Mr. Arik Banerjee, Mr. Debabrata Das, Mr. Samriddha Sen,
Mr. Saptarshi Mukherjee, Advocates for alleged contemnor.

The Court : It is submitted on behalf of the alleged contemnor, being the honorary General Secretary of Dalhousie Athletic Club that pursuant to the order passed on 5th April, 2024 in this contempt application the Special General Meeting (in short SGM) of the said club scheduled to be held on 7th April, 2024 at 11.00 a.m., pursuant to the requisition made by 47 members vide their letter dated 3rd January, 2024 and received by the club on 26th February, 2024 has been cancelled. It is further submitted on behalf of the Secretary that nothing further remains in the contempt application as the same sprouted from the letter dated 26th March, 2024 calling for the SGM on 7th April, 2024.

On behalf of the alleged contemnor i.e. the Secretary of the club it is further submitted that the contempt application has spent its force and as such should be disposed of without passing any further orders.

On behalf of the petitioner it is submitted that the requisitionists who had written the letter dated 3rd January, 2024 may not have been specifically aware about the order of injunction passed in an interlocutory application filed by the petitioner in this suit but the Secretary of the club was specifically aware of such order. Learned Advocate then draws attention of the Court to the resolution of the meeting of the Executive Committee of the Club held on 9th March, 2024 and in particular the resolution in connection with the SGM as recorded in page 51 of the affidavit-in-opposition filed by the alleged contemnor. Referring to a portion of the said minutes it is submitted that after recording the matter to be subjudice, the President of the Club on the basis of the views expressed by the members of the Executive Committee present in the said meeting decided to hold the SGM and proposed 7th April, 2024 being the date for holding such special general meeting. Subsequently on the meeting of the executive committee held on 16th March, 2024 a lawyer's opinion was discussed in agenda no.III of the said meeting. It was clearly resolved in the said meeting that the President and the Secretary would consult the lawyer before issuing the notice for SGM. Despite such decision, the Secretary proceeded to issue the notice for holding the SGM on 26th March, 2024. There was no meeting held after 16th March, 2024 but before 26th March, 2024 to approve the issuance of the notice to hold SGM.

It therefore prima facie appears that the Secretary being the alleged contemnor proceeded to issue the notice even without complying with the decision taken in the meeting of the executive committee held on 16th March, 2024. The Court notices the conduct of the Secretary (alleged contemnor) to be non-transparent in view of the chain of events as discussed hereinabove. As the SGM scheduled on 7th April, 2024 has been subsequently cancelled, this Court is not inclined to enquire further into the matter as the same may cause a disruption into the smooth functioning of the club through a elected body. It is, however, expected that the Secretary of the club (alleged contemnor) should abide by the decisions taken in the meeting of the executive committee before issuing notices which is likely to give rise to multiplicity of judicial proceedings and may attract consequences of contempt.

The contempt application is disposed of with the observations as made in this order.

(ARINDAM MUKHERJEE, J.)