OD-14 IN THE HIGH COURT AT CALCUTTA

Special Jurisdiction(Contempt)

ORIGINAL SIDE

CC/87/2023

BHATTACHARYA RUBBER WORKS PRIVATE LIMITED

VS

WEST BENGAL STATE WAREHOUSING CORPORATION AND ORS.

BEFORE:

The Hon'ble JUSTICE DEBANGSU BASAK

AND

The Hon'ble JUSTICE MD. SHABBAR RASHIDI

Date : 13^{th} February, 2024.

Appearance:
Mr. Sarosij Dasgupta, Adv.
Mr. Biswaroop Mukherjee, Adv.
Ms. Saheli Bose, Adv.
... for the petitioner.

Mr. Kamelesh Bhattacharyya, Adv.
Mr. A. Bhattacharyyaj, Adv.
... for contemnors

The Court:- Petitioner complains of violation of the order dated April 12, 2017.

By such order, order in terms of prayers (c) and (d) of the application was passed on April 12, 2017.

Prayers (c) and (d) are as follows:-

> "(c) Further Direction on the respondent to go on unconditionally making payment of a sum of Rs.42,391.00 every month to the petitioner as and by way of occupational charges as per

> English calendar without any interruption till the further orders of the Court.
>
> (d) An Order of injunction be passed restraining the respondent from transferring, alienating, disposing of assigning and/or creating any 3rd party interest over and in respect of the schedule premises;"

It is the contention of the petitioner, referring to page 86 of the present contempt petition that, West Bengal State Warehousing Corporation raised tax invoices in respect of the property in question and therefore violated prayer (d) of the petition which was granted on April 12, 2017.

It is also contended that all the alleged contemnors did not file affidavit.

One alleged contemnor filed an affidavit on behalf of all. Contempt Rule is yet to be issued.

We perused the materials made available on record. There subsists an order dated April 12, 2017 granting relief in terms of prayers (c) and (d) of the application of the petitioner.

Prayers (c) and (d) of such petition are set out above.

Prayers (c) and (d) are directed against West Bengal State Warehousing Corporation

As the name of the respondent suggests, the respondent is into warehousing business.

It is the contention of the alleged contemnors that, the tax invoice at page 86 was raised with regard to the warehousing facility availed of by third party.

We are of the view that prayer (d) of the petition granted on April 12, 2017 did not prevent the respondent from carrying on its business in its usual course.

Since warehousing is a business of the respondent, we do not find that there is any willful violation of the order dated April 12, 2017.

Consequently, we find no merit in this petition.

CC/87/2023 is dismissed with no order as to costs.

(DEBANGSU BASAK, J.)

(MD. SHABBAR RASHIDI, J.)

mg