

OD 4 & 5

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

CC/38/2024
WITH WPO/1853/2023

CAMAC LEATHERS PRIVATE LIMITED AND ORS.
VS
SRI SUSHANTA MITRA AND ORS.

AND

IA NO. GA/1/2024
WITH CC/38/2024
IN WPO/1853/2023

CAMAC LEATHERS PRIVATE LIMITED AND ORS.
Vs
STATE OF WEST BENGAL AND ORS.

BEFORE:

The Hon'ble JUSTICE SABYASACHI BHATTACHARYYA

Date: 7th May, 2024.

Appearance:

Mr. Utpal Bose, Sr. Adv.

Mr. Suddhasatva Banerjee, Adv.

Mr. Sagnik Majumdar, Adv.

Ms. Anyapurba Banerjee, Adv.

Mr. Abhidipto Tarafdar, Adv.

. . .for the petitioner

Mr. Biswaroop Bhattacharya, Adv.

Mr. Ayan Chakraborty, Adv.

Ms. Sohini Mukherjee, Adv.

. . .for the respondent no.5.

Mr. Amitesh Banerjee, Sr. Adv.

Ms. Ipsita Banerjee, Adv.

Mr. Arindam Mandal, Adv.

. . .for the State respondents.

The Court: GA 1 of 2024 is taken up first for hearing. The said application has been made by the alleged contemnors for enlargement of time to comply with the order of this Court dated February 13, 2024 whereby the alleged contemnors were inter alia directed to stop functioning of the clinical establishment being run from the disputed property within March 31, 2024 and to shift the patients who were housed in the said establishment to alternative establishments/locations.

Additionally, an observation was made in the said order that the order would not prevent the respondent no.5 from making endeavor to ensure that all fire safety norms were satisfied prior to March 31, 2024.

Only and only if such compliance was achieved, it would be open to the said respondent no.5 to approach the respondent authorities for appropriate sanction. Again, only upon such sanction being obtained in writing, the respondent no.5 would be at liberty to approach this Court with a proper application for modification/recall of the order.

It is an admitted position that no sanction has been obtained till date from the authorities in writing by the respondent no.5 in the writ petition. Although learned counsel for the alleged contemnors submits that the alleged contemnors have made applications but no sanction has yet been granted by the respondent authorities, the respondent authorities controvert such allegation and points out that only on May 3, 2024 has an application been apparently filed, which was much beyond the period stipulated in the order under contempt.

In any event, as rightly pointed out by learned senior counsel appearing for the writ petitioners/applicants, the period of extension sought in GA 1 of 2024 was four weeks which has long elapsed after filing of the said application.

I do not find that there is anything on record to indicate that the alleged contemnors even made an effort to shift the patients who are accommodated in the said clinical establishment, although it is submitted by learned counsel for the applicant in GA 1 of 2024 that apart from the emergency patients, others have been removed.

In view of the above, I do not find any justification for enlarging the time further. Accordingly, GA 1 of 2024 is dismissed on contest without any order as to costs.

CC 38 of 2024 is now taken up for hearing. In view of the above observations, there is no manner of doubt that the alleged contemnors are in contempt of the judgment and order dated February 13, 2024 passed in WPO 1853 of 2023 on several counts. First, the alleged contemnors have not stopped functioning of the clinical establishment run from 195/1, Park Street, P.S. Beniapukur, Kolkata 700017 till date, thereby flouting the cut-off date of March 31, 2024 by about one and half months.

Furthermore, there is nothing on record to substantiate that the alleged contemnors have made any endeavor whatsoever to accommodate the patients who are housed in the said clinical establishment in order to facilitate shifting of such patients to alternative establishment/locations.

The pith and substance of the said order was the stoppage of the clinical establishment within March 31, 2024. The other observations made in the said order were merely by way of riders/leaves granted over and above the said directions. The said directions having not been complied with, nor there being anything on record to indicate even any attempt on the part of the alleged contemnors to comply with the said directions till date, a Rule be issued calling

upon the alleged contemnors to show cause as to why the alleged contemnors should not be penalized in terms of the prayers made in the contempt application. The Rule is made returnable on June 14, 2024 at 3 p.m.

Affidavits in opposition filed in GA 1 of 2024 in WPO 1853 of 2023 be kept with the record.

(SABYASACHI BHATTACHARYYA, J.)

SP/