

AD -41
Ct No.10
11.08.2025
(SSS)

CPAN 345 of 2025
In
FAT 391 of 2017
With
CAN 1 of 2017
(Old No: CAN 6975 of 2017)
With
CAN 2 of 2025

Oriental Gem & Jewellery Co.
Vs.
Arjun Singh Oberoi,
Whole Time Director, EIH Limited and Ors.

Mr. Rahul Karmakar,
Ms. Susrea Mitra,
Mr. Bhupendra Gupta
....For the Appellant.

Mr. Joydip Kar, Ld. Sr. Adv.,
Mr. Emon Bhattacharya,
Ms. Pooja Sah,
.....For the Respondents.

1. It is pointed out to us that a challenge was preferred by the alleged contemnors to an order passed by this court, whereby we had directed all the alleged contemnors individually to file affidavits, before the Supreme Court, which was disposed of by limiting the scope of filing affidavits to the alleged contemnor no. 11. Pursuant to such order, an affidavit of compliance filed by the alleged contemnor no. 11 is placed before this court by learned Senior counsel appearing for the alleged contemnors.

2. We find from the said affidavit that the alleged contemnor no. 11 has tendered unqualified apology for having issued a vacating notice dated August 27, 2024, in contravention of the order of this court not to disturb the peaceful possession of the petitioner.

3. However, it has further been stated that the said alleged contemnor undertakes not to issue any such further notice asking the petitioner to vacate the suit premises and/or make any other attempt to disturb the peaceful possession of the petitioner in respect of the suit premises.

4. It is also undertaken in paragraph 12 of the said affidavit of compliance that the electricity supply being provided to the petitioner at the suit premises shall be sustained, subject to any leave or order passed by the court granting permission to the alleged contemnors or the respondents in the appeal to do so.

5. In view of such unqualified apology and the express undertaking of the alleged contemnor no. 11 to comply with the order of this court and not to disturb the peaceful possession of the petitioner in any manner and explaining the circumstances of how the notice dated August 27, 2024 was issued erroneously, we accept such apology, particularly, in view of the above contumacious act having been purged.

6. We accordingly decide to drop the contempt proceedings.

7. Accordingly, CPAN 345 of 2025 is disposed of as infructuous without any order as to costs.

8. Parties shall act on the server copy of this order, duly downloaded from the official website of this court.

(Sabyasachi Bhattacharyya, J.)

(Uday Kumar, J.)