

06.05.2025
Item No.47
PG/KS
Ct. No.1

C.P.A.N. 1393 of 2019
In
F.M.A. 3576 of 2015

Hooghly Agro Products Private Limited & Anr.
Versus
Prabal De, Joint Secretary,
Finance Revenue Department,
Policy Planning Unit,
Government of West Bengal

Mr. Anil Kumar Duggar
Mr. Rajarshi Chatterjee
Ms. Suman Sahani.....for the applicants

Mr. T.M. Siddique, Ld. Sr. Adv.
Mr. Tanoy Chakraborty.....for the State

1. We have heard Mr. Anil Kumar Duggar along with Mr. Rajarshi Chatterjee, learned advocates appearing for the applicants and Mr. T.M. Siddique, learned senior advocate assisted by Mr. Tanoy Chakraborty, learned advocate appearing for the respondent/State.
2. This contempt application has been filed alleging violation of an interim order passed in the appeal (F.M.A. 3576 of 2015). The said interim order was to the effect that the respondent/State has to pay a sum of Rs. 40,00,000/- (Rupees Forty Lacs) to the applicants within a time frame.
3. The claim of the applicants is that the industrial promotion assistance is payable to the applicants and the issue has been settled by a decision of the Division Bench and the applicants claim that a sum of Rs. 3 crores has to be paid.

4. The interim direction was to pay a sum of Rs. 40,00,000/- (Rupees Forty Lacs). From the annexure in the contempt application, we find that the appeal filed by the State as well as the stay petition has been dismissed for non-prosecution. In such circumstances, the order and direction issued by the learned Single Bench stands revived.
5. The learned Government counsel submitted that liberty may be granted to the respondents to file application to restore the appeal, which was dismissed for non-prosecution.
6. No such liberty is required and more particularly, the appeal is not on file and any observation in this regard cannot be made.
7. It will be well open to the respondents to act in accordance with law.
8. Since the order and direction of the learned Single Bench stands revived, we grant liberty to the applicants to file a fresh contempt application on the ground that the direction issued by the learned Single Bench has not been complied with, which stands affirmed on technical ground as the appeal filed by the State against the said order was dismissed.
9. With the above observations, the contempt application is disposed of.
- 10.No costs.

11. Urgent photostat certified copy of this order, if applied for, be furnished to the parties expeditiously upon compliance of all legal formalities.

(T.S SIVAGNANAM)
CHIEF JUSTICE

(CHAITALI CHATTERJEE (DAS), J.)