

07.03.2025
SI No.3
Court No.37
(gc)

CPAN 514 of 2023

**Emami Agrotech Ltd.
Vs.
Vandana Yadav**

In

MAT 62 of 2019

With

CPAN 1455 of 2023

**Emami Agrotech Ltd.
Vs.
Vandana Yadav & Anr.**

Mr. S.N. Mookherjee, Sr. Adv.,
Mr. Rahul Dhanuka,
Mr. Niraj Baheti,
Ms. Sreeja Chakraborty,
Mr. Santanu Chatterjee,
Mr. Yash Singhi

... For the Petitioner.

Mr. Anirban Ray, Ld. G.P.,
Mr. Nilotpal Chatterjee,
Mr. Balarko Sen,
Mr. Saptak Sanyal

...for the Alleged Contemnors.

Mr. T.M. Siddiqui, Ld. A.G.P.,
Mr. Tanay Chakraborty,
Mr. Suddhadev Adak

...for the WBIDC.

1. There cannot be any doubt that the order of cancellation dated 9th August, 2023 communicated to the petitioner on 16th August, 2023 was an attempt to circumvent the order dated 8th December, 2022 and this fact was taken note of by the Coordinate Bench in its order dated 17th May, 2024. We adjourned this matter on 21st February, 2025 in order to enable the alleged contemnors to obtain necessary instruction with regard to

the cancellation that was stayed by the Coordinate Bench on 17th May, 2024.

2. The learned Counsel for the alleged contemnors have submitted that the order of cancellation was stayed primarily on the ground that it was passed without determination of the fixed capital investment subsidy for which the decision of the authority concerned was held to be prima facie in disobedience of the order dated 8th December, 2022. There cannot be any doubt that the said order could not have been passed in the teeth of the order dated 8th December, 2022 and this is a clear attempt to circumvent the said order.
3. The cancellation order cannot survive for the reasons indicated above. The order of cancellation is accordingly set aside on the aforesaid limited ground.
4. We accept the apology tendered by the alleged contemnors and, accordingly, we do not issue Rule.
5. The contempt applications are, accordingly, disposed of with the aforesaid observation.

(Soumen Sen, J.)

(Biswaroop Chowdhury, J.)