

IN THE HIGH COURT AT CALCUTTA
SPECIAL JURISDICTION (CONTEMPT)
ORIGINAL SIDE

CC/46/2025
WITH
WPO/2336/2022

ELECTROSTEEL CASTINGS LIMITED AND ANR.
-VS-
SRI BISWANATH CHAKRABORTY

BEFORE:
THE HON'BLE JUSTICE SABYASACHI BHATTACHARYYA

Date: 4th April, 2025.

APPEARANCE:
Mr. Arif Ali, Adv.
Mr. Prabhat Kr. Srivastawa, Adv.
...for the petitioner.

Mr. Nilotpal Chatterjee, Adv.
Mr. Debangshu Dinda, Adv.
...for alleged contemnor.

Mr. Md. T. M. Siddiqui, Sr. Adv.
Mr. T. Chakraborty, Adv.
Mr. S. Adak, Adv.
...for the respondent.

The Court: At the time when the contempt application is taken up for hearing, learned counsel for the alleged contemnor hands over a server copy of an order dated March 26, 2025 passed by the concerned Division Bench in an appeal against the parent order, in respect of which the present contempt has been levied.

It is pointed out that the Division Bench, *inter alia*, observed that during the pendency of the appeal, the respondent no. 2 has complied with the direction of this Court (the learned Single Judge) and passed a reasoned order on 30.10.2024, by which it was held that the writ petitioner is not eligible for registration certificate under the “West Bengal Incentive Scheme, 2004” and the registration certificate which was issued on 04.03.2005, subsequently amended by order dated 20.01.2006, was cancelled and revoked. The Division Bench further held that in the light of the fact that the “authority has already complied with the order” and a decision has been taken, nothing would survive in both the appeals to be decided. In the same breath, it was held that it would be open to the writ petitioner to challenge the decision of the Director of Industries, West Bengal dated 30.10.2024 in the manner known to law.

The appeal, thus, was disposed of, not independently on merits, but in the light of the said observation that the authority has already complied with the order of this Court.

Learned counsel for the petitioner contends that the Division Bench, at the end of the day, while affirming the order of this Court, did not interfere with the same. As such, it is open to this Court, sitting in contempt jurisdiction, to independently decide as to whether there has been a willful and deliberate violation of the order of this Court.

Learned counsel for the petitioner further adds that by passing the order dated 30.10.2024, a contumacious act has been committed by the alleged contemnor, since the said order is not in compliance with the observations of

this Court as well as passed without giving opportunity of hearing to the petitioner in terms of the directions of this Court.

Although the jurisdiction to determine as to whether there has been any willful and deliberate violation of the order of a Court vests with the self-same Court under normal circumstances, in the present case, we find that a challenge was preferred against the parent order in which there were specific observations by the Division Bench to the effect that the order of this Court has been complied with and that it was open to the present petitioner to challenge the said subsequent order in the manner known to law.

This Court deems it inappropriate to go beyond the said observations passed by the Division Bench sitting in appeal, which is a superior forum in the hierarchical sense, and to re-open the issue and come to a finding that there has actually been a contempt.

In such view of the matter, I am not inclined to proceed into a further examination as to whether any contempt has been committed by the alleged contemnor, in the teeth of the observations made by the Division Bench to the effect that the order of this Court has been complied with.

Since it has already been kept open by the Division Bench for the petitioner to challenge the fresh decision taken by the alleged contemnor in the manner known to law, no further observation in that regard is also necessary. In the light of the above, CC/46/2025 is disposed of.

It is further clarified that since this Court has not entered into the merits of the challenge sought to be preferred by the petitioner against the fresh order dated October 30, 2024 passed by the alleged contemnor, it will be open to the

appropriate forum, as and when a challenge is preferred against the same, to decide all the issues, raised in the contempt application or otherwise, independently and in accordance with the law without being influenced by any of the observations made above.

(SABYASACHI BHATTACHARYYA, J.)

KB
AR(CR)