

17.04.2026
Item No.05
Court No.08.
S. De
266330

CPAN 1980 of 2025
in
FMA 2754 of 2025
Kamal Kumar Agarwal & Ors.
Vs.
Shri Rajarshi Mitra & Ors.

Mr. Satadeep Bhattacharyya,
Mr. Uttam Sharma,
Ms. Vrinda Kedia, ...for the petitioners.

Mr. Jishnu Chowdhury, Sr. Adv.,
Mr. Chayan Gupta,
Mr. Saaqib Siddiqui, ...for the contemnors.

Dictated by Arijit Banerjee, J.

1. Affidavits-in-opposition and affidavits-in-reply thereto filed in Court today, be kept with the records.
2. The allotment of a plot of land made by HIDCO in favour of the petitioners in the New Town Area under the Chairman's Discretionary Quota was cancelled. Such cancellation was challenged by the petitioners and several other allottees by way of a bunch of writ petitions. All such writ petitions were dismissed by a learned Single Judge by a judgment and order dated May 13, 2025. Some of the writ petitioners including the present petitioners carried the matter in appeal. The bunch of appeals was dismissed by us by a judgment and order dated November 3, 2022. The last paragraph of the said order reads as follows :

*"The appellants will be at liberty to write
to HIDCO claiming refund of the monies*

they had paid to HIDCO in connection with the allotments. HIDCO shall forthwith and in any event within 10 days of receipt of any such written request, refund the principal amount. The appellants may make a request to HIDCO for payment of interest which HIDCO shall consider, keeping in mind the fact that it is an arm of the State and is expected to act fairly and reasonably.”

3. Alleging willful violation of the aforesaid order, the present contempt application has been filed.
4. Learned advocate for the petitioners says that although the principal sum that the petitioners had paid to HIDCO was refunded within a reasonable time period, no interest was paid in spite of request. After the contempt application was served on HIDCO/its officers, a paltry sum of interest at the rate of 2.7% per annum has been paid. This is neither fair nor reasonable. Therefore, the respondents have violated the spirit and intent of the order dated November 3, 2022.
5. Learned counsel for the respondents says that there is a policy decision in vogue whereunder HIDCO is to pay interest at the rate of 2.7% per annum if it has to refund any money received by it. Following such policy decision, interest has been paid to the petitioners.
6. Having considered the respective submissions of the parties, we do not find any willful violation of our

judgment and order dated November 3, 2022. We did not direct HIDCO to pay any particular sum on account of interest to the petitioners. There was no mandate in that regard. We had merely permitted the petitioners herein to make a request to HIDCO for payment of interest and we had observed that HIDCO was to consider such request keeping in mind that it is an arm of the State and is expected to act fairly and reasonably. The respondents say that they have acted fairly and reasonably. The petitioners say that the respondents have failed to do so. We see no act of contempt on the part of the respondents. They say that they have acted in accordance with their perception of fairness and reasonableness. In a contempt application, we cannot direct HIDCO to pay any further sum on account of interest.

7. If the petitioners are aggrieved by the quantum of interest paid by HIDCO to them and if they are of the opinion that HIDCO has not acted fairly and reasonably, this order will not prevent them from approaching the appropriate forum with their grievance, in accordance with law.

8. CPAN 1980 of 2025 is disposed of.

(Rai Chattopadhyay, J.)

(Arijit Banerjee, J.)