

**IN THE HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI
CIVIL APPELLATE JURISDICTION
APPELLATE SIDE**

Present:

The Hon'ble Justice Debangsu Basak

And

The Hon'ble Justice Chaitali Chatterjee (Das)

MAT 105 of 2025

**Sri Ujjal Kumar Banerjee @ Bandyopadhyay
Vs.**

**Smt. Tshering Y Bhutia, Commissioner of Siliguri Municipal Corporation
& Ors.**

For the appellant : Mr. Sajal Kumar Banerjee, Advocate

Heard & Judgment on : January 5, 2026

DEBANGSU BASAK, J.:-

1. Appeal is directed against an order dated November 6, 2025 passed in CPAN 48 of 2025 in WPA 2525 of 2024.
2. By the impugned order, the learned Single Judge found that, the order, violation of which was complained of in the contempt petition, namely, April 3, 2024 passed in WPA 2525 of 2024, did not grant any relief to the petitioner.
3. On the issue of maintainability of the present appeal, learned Advocate appearing for the appellant relies upon Section 19 of the Contempt of Courts Act, 1971. He submits that, the impugned order is appealable

under Section 19 of the Act of 1971 as the same does not bar the exercise a right of appeal thereunder.

4. On the contrary, according to the learned Advocate for the appellant, Section 19 of the Act of 1971 is couched in such a manner that any decision or any order or decision of the High Court in exercise of its contempt jurisdiction is appealable. According to him, even an order refusing to exercise jurisdiction under the Contempt of Courts Act, 1971 is also appealable since Section 19 of the Act of 1971 as it does not bar an appeal.
5. Section 19 of the Contempt of Courts Act, 1971 is as follows:

19. Appeals.- (1) An appeal shall lie as of right from any order or decision of High Court in the exercise of its jurisdiction to punish for contempt-

(a) where the order or decision is that of a single Judge, to a Bench of not less than two Judges of the Court;

(b) where the order or decision is that of a Bench, to the Supreme Court:

Provided that where the order or decision is that of the Court of the Judicial Commissioner in any Union territory, such appeal shall lie to the Supreme Court.

(2) Pending any appeal, the appellate Court may order that-

(a) the execution of the punishment or order appealed against be suspended;

(b) if the appellant is in confinement, he be released on bail; and

(c) the appeal be heard notwithstanding that the appellant has not purged his contempt.

(3) Where any person aggrieved by any order against which an appeal may be filed satisfies the High Court that he intends to prefer an appeal, the High Court may also exercise all or any of the powers conferred by sub-section (2).

(4) An appeal under sub-section (1) shall be filed –

(a) in the case of an appeal to a Bench of the High Court, within thirty days;

(b) in the case of an appeal to the Supreme Court, within sixty days, from the date of the order appealed against.”

6. Sub-section (1) of Section 19 provides a right of an appeal against any order or decision of the High Court in exercise of jurisdiction to punish for contempt. In our view, the key words in sub-section (1) of Section 19 of the Act of 1971 are “punish for contempt”. The order or decision of the High Court which, decide the punishment for contempt is appealable under Section 19 of the Act of 1971 and not otherwise.
7. In other words, all orders or decisions under the Contempt of Courts Act, 1971 are not appealable under Section 19 thereof. Only those orders or decisions which decide to punish for contempt are appealable.

8. In the event, if the learned Single Judge decides any issue or makes any direction relating to the merits of the dispute between the parties then the same is appealable under Clause 15 of the Letters Patent, 1865.
9. In the facts and circumstances of the present case, learned Single Judge observed that, the order dated April 3, 2024 passed in WPA 2525 of 2024 did not grant any relief to the writ petitioner. Learned Single Judge, therefore, chose not to exercise jurisdiction under the Contempt of Courts Act, 1971. Learned Single Judge did not decide any issue between the parties on merits.
10. The impugned order not being an order or decision to punish for contempt, in our view, the instant appeal is not maintainable, as one of the essential ingredients for an appeal to be maintainable under Section 19 of the Act of 1971 does not exist in the facts and circumstances of the present case.
11. **MAT 105 of 2025** is **dismissed** without any order as to costs.

(Debangsu Basak, J.)

12. I agree.

(Chaitali Chatterjee (Das), J.)