

Form of Rule Nisi (Contempt)

(Form No. 1)

N. 37

## High Court at Calcutta

Appellate Side

(Special Civil Jurisdiction)

District: Kolkata

**CPAN 163 of 2022**

**in**

**WPA 7595 of 2021**

In the matter of

Sanat Kumar Ghosh & Ors.

..... Applicants/Petitioners

Versus

Rajesh Kumar Sinha & Ors.

..... Contemnors/respondents

For Applicants/Petitioners:

Mr. Samiran Mandal

Mr. Abhinaba Dan

For Contemnors/respondents

No.4 and 5:

Mr. Ayan Banerjee

Ms. Debasree Dhamali

Ms. Riya Ghosh

Noting by Office or Advocate.	Serial No.	Date	Office notes, reports, orders or proceedings with signatures.
		<b>29.04.2022</b>	<p>UPON READING a petition of Sanat Kumar Ghosh &amp; Others and their affidavit of verification thereof, dated 23<sup>rd</sup> February, 2022, and the exhibits or annexures to the said petition and upon hearing Mr. Samiran Mandal, advocate for the applicants/petitioners,</p> <p><b>IT IS ORDERED</b> that a Rule do issue calling upon Rajesh Kumar Sinha, the Principal Secretary, Transport Department, Government of West Bengal, Paribahan Bhawan, 12, R.N. Mukherjee Road, Kolkata-700001; H.K. Dwivedi, the Chief Secretary,</p>

Government of West Bengal, having his office at “NABANNA”, 325, Sarat Chatterjee Road, P.O. Shibpur, Howrah – 711102; and, Dr. Manoj Pant, the Principal Secretary, Finance Department, Government of West Bengal, having his office at “NABANNA”, 325, Sarat Chatterjee Road, P.O. Shibpur, Howrah – 711102, being the alleged contemnors/respondents no.1, 2 and 3, to show cause as to why they should not be committed to prison or otherwise penalized or dealt with for having wilfully and deliberately violated the order dated 13<sup>th</sup> September, 2021, passed in WPA 7595 of 2021.

The Rule is made returnable on 20<sup>th</sup> May, 2022.

On the returnable date, IT IS ORDERED the said alleged contemnors/respondents no.1, 2 and 3 as aforesaid shall appear personally before this Court at 10.30 A.M. and shall not leave Court without permission.

Let the Rule be served personally on the alleged contemnors/respondents no.1, 2 and 3.

Requisites be put in forthwith.

**(Arindam Mukherjee, J.)**

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IN THE HIGH COURT AT CALCUTTA  
SPECIAL CIVIL JURISDICTION  
APPELLATE SIDE

**CPAN 163 of 2022**  
**in**  
**WPA 7595 of 2021**

Sanat Kumar Ghosh & Ors.  
Vs.  
Rajesh Kumar Sinha & Ors.

Mr. Samiran Mandal  
Mr. Abhinaba Dan  
... For the applicants/petitioners

Mr. Ayan Banerjee  
Ms. Debasree Dhamali  
Ms. Riya Ghosh  
... For the alleged contemnors/  
respondents no.4 and 5

The contempt application arises out of an order dated 13<sup>th</sup> September, 2021 passed in WPA 7595 of 2021. The operative portion of the said order is as follows:-

“After hearing the parties and considering the materials on record, I find that justice will be sub-served if the respondent nos.1, 2 and 3 are directed to decide on the issue as referred to them by the respondent no.5 by his letter dated 6<sup>th</sup> August, 2019 within a time-frame by a reasoned order after considering all aspects of the matter as reflected in the letter dated 6<sup>th</sup> August, 2019 issued by the respondent no.5. The respondent nos.1, 2 and 3, if necessary, may call for further documents from the

respondent nos.4, 5 and 6 for effective adjudication of the issue.

The entire exercise shall be completed by the Competent Authority within a period of four months from the date of communication of this order upon payment of deficit court fees. The respondent nos.1, 2 and 3 immediately upon the decision, vide a reasoned is taken in the matter, shall communicate the same to the respondent no.5 as also to the petitioners.

Parties shall act on a server copy of the order without being insisting upon production of a certified copy thereof.”

The order dated 13<sup>th</sup> September, 2021 was served on the alleged contemnor/respondent no.1 on 18<sup>th</sup> September, 2021 and the alleged contemnors/respondents no.2 and 3 on 24<sup>th</sup> September, 2021. Contempt notice was issued on 18<sup>th</sup> January, 2022 and were received by the alleged contemnors/respondents no.1, 2 and 3 on 19<sup>th</sup> January, 2022. The contempt application was filed on 23<sup>rd</sup> February, 2022. The contempt application was directed to be served by an order dated 1<sup>st</sup> April, 2022 making the same returnable on 22<sup>nd</sup> April, 2022.

The matter was adjourned on 22<sup>nd</sup> April, 2022 as the alleged contemnors/respondents no.1, 2 and 3 remained unrepresented despite service to afford the said alleged contemnors/respondents a further

opportunity to represent before this Court. A direction was also given on 22<sup>nd</sup> April, 2022 to serve a fresh notice to the alleged contemnors/respondents no.1, 2 and 3. The applicants/petitioners have served a notice dated 22<sup>nd</sup> April, 2022 to the alleged contemnors/respondents no.1, 2 and 3 which has been duly received on 25<sup>th</sup> April, 2022 and 26<sup>th</sup> April, 2022. An affidavit of service filed in this regard by the applicants/petitioners is taken on record. The alleged contemnors/respondents no.1, 2 and 3 remain unrepresented despite service even today. The version of the alleged contemnors/respondents no.1, 2 and 3 is not available to the Court despite the contempt petition being adjourned on 22<sup>nd</sup> April, 2022.

In such circumstances, I direct issuance of Rule against Rajesh Kumar Sinha, the Principal Secretary, Transport Department, Government of West Bengal, Paribahan Bhawan, 12, R.N. Mukherjee Road, Kolkata-700001; H.K. Dwivedi, the Chief Secretary, Government of West Bengal, having his office at "NABANNA", 325, Sarat Chatterjee Road, P.O. Shibpur, Howrah – 711102; and, Dr. Manoj Pant, the Principal Secretary, Finance Department, Government of West Bengal, having his office at "NABANNA", 325, Sarat Chatterjee Road, P.O. Shibpur, Howrah – 711102.

The Rule is made returnable on 20<sup>th</sup> May, 2022.

The applicants/petitioners are permitted to put  
in special messenger cost for serving the Rule.

**(Arindam Mukherjee, J.)**

Rule drawn  
in separate  
sheets.