

OD 03

ORDER SHEET
CC/25/2023
IN THE HIGH COURT AT CALCUTTA
SPECIAL JURISDICTION (CONTEMPT)
ORIGINAL SIDE

M/S HYTONE MERCHANTS PVT LTD
VS
PRASENJIT DAS AND ANR

BEFORE:

The Hon'ble JUSTICE SHEKHAR B. SARAF

Date: 31stAugust, 2023*Appearance:**Mr. Arindam Paul, Adv.**Mr. Biswaroop Ghosh Adv.**Mr. Shaunak Ghosh, Adv.**Mr. Sariful Haque, Adv.**. . .for the petitioner.**Mr. Pratip Mukherjee, Adv.**Ms. Sreetama Neogi, Adv.**. . .for the contemnor no.1.**Mr. Samrat Choudhury, Adv.**Mr. Debnandan Bhattacharyya, Adv.**. . .for the contemnor no. 2.*

The Court:

1. In this application for contempt of court, the petitioner alleges a wilful disobedience and violation of the directions passed by this Court in its orders dated September 30, 2022, and March 13, 2023. The Court had directed the Contemnors vide order dated September 30, 2022, to not transfer and/or alienate the scheduled properties mortgaged to the petitioner. The said properties were mortgaged as security in lieu of the finance facility availed by the Contemnors vide loan agreement dated

December 27, 2019. On March 13, 2023, the Court extended the injunction granted in its earlier order dated September 30, 2022.

2. The Contemnors have graciously admitted that they have committed flagrant violation of the aforesaid orders by transferring and/or selling the flats from the schedule properties as mentioned by way of executing conveyance deeds dated February 16, 2023, February 20, 2023, March 3, 2023, and March 17, 2023. The Contemnors have further submitted that there were compelling circumstances for them to undertake such execution and tendered an unconditional apology.
3. By virtue of Article 215 of the Constitution, the High Court, which is a court of record, has the power to punish the Contemnors for contempt. In the present case, there has been patent violation of the order passed by this court amounting to contempt of this Court. To secure the ends of justice, I am the view that the Contemnors must do some social good for this Court to countenance their act of contempt. Plantation of trees is one such exercise which this Court would consider because trees, for as long as they are alive, be it for decades or for centuries, would incessantly and silently provide multiple benefits to the people. For the aforesaid reasons, the contempt application is hereby allowed with the following directions:-
 - i. Prasenjit Das being Contemnor No. 1 and Sajal Mondal being Contemnor No. 2 are directed to deposit Rupees 25,000/- each to

Gram Samriddhi Foundation (website - <https://gramsamriddhi.org>) having PAN AAETG0355Q with Bank Account No. 104388700000034 and IFS Code YESB0001043. Let the said monies be utilised by the foundation in accordance with their mission and vision for sustainable rural development and prosperity of villages in the state of West Bengal.

- ii. The said amount must be deposited within a period of one week from date and compliance report should be filed in the Court. In the event the said amount is not paid, the Registrar (Original Side) is directed to initiate action against the Contemnors in accordance with the law.
- iii. The Contemnors are further directed to plant 10 fruit-bearing trees each in such plot(s) of land as identified by **Gram Samriddhi Foundation** with logistical support and assistance from the foundation. The Contemnors are directed to contact Mr. Yogesh Kumar Goyal (M:+919433056172) and Ms. Archana Agarwal (M:+919830351645) to carry out the aforesaid directions of this Court.
- iv. Compliance affidavit in this regard along with photographs showing the plantation site(s) before and after the plantation shall be filed by the Contemnors within a period of 6 weeks from date. List this matter on September 8, 2023 for further orders.

(SHEKHAR B. SARAF, J.)