

Emami Biotech Ltd and anr. Vs. State of West Bengal and ors.

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Court : Kolkata

Decided On : Jan-25-2012

Judge : Jayanta Kumar Biswas

Appellant : Emami Biotech Ltd and anr.

Respondent : State of West Bengal and ors.

Judgement :

CC No.6 of 2012 IN THE HIGH COURT AT CALCUTTA Special Civil Jurisdiction
ORIGINAL SIDE In the matter of: CHANCHAL MAL BACHOWAT, ARISING OUT
OF WP No.980 of 2011 EMAMI BIOTECH LTD & ANR.

Versus STATE OF WEST BENGAL & ORS.BEFORE: The Hon'ble JUSTICE
JAYANTA KUMAR BISWAS Date :

25. h January, 2012.

Appearance: Mr.Samaridytya Pal Senior Advocate.

Ms.Vineeta Meheria, Advocate.

Mr.Pratik Prokash Banerjee, Advocate.

The Court: Mr.Banerjee appearing for the contemner and also for the respondents
in the pending WP submits as follows.

Though the suo motu contempt rule has not yet been served, the contemner getting information has come to appear in person and he is present in Court.

He is no longer in the office of the Finance Secretary of the State Government and today he is not in a position to comply with the order.

The contemner needs time to file an affidavit stating the reasons for non-compliance with the order of this Court.

Mr.Banerjee has also submitted that the State unable to pay the petitioners according to their demand and also to the extent this Court has ordered has already offered rupees one core ninety-six lakh and decided to pay at the rate of rupees one core ninety-six lakh per month until the entire admitted amount is paid; but that the petitioners have refused to accept the offer.

Mr.Pal appearing for the petitioners has submitted that the contempt matter requires a closer examination, and that the State should be asked to file an affidavit stating its offer to pay the petitioners at the rate of rupees one core ninety-six lakh per month until the entire amount is paid.

Mr.Dey appearing for WBIDC has produced the cheque for Rs.1,96,16,730.00.

Mr.Pal has said that Advocate-on-Record for the petitioners is ready to accept the cheque.

On these facts, I pass the following order.

The State shall file an affidavit by next Monday (i.e.30.01.2012) stating that it will pay the petitioners at the rate of rupees one core ninety-six lakh per month until the entire admitted amount is paid.

The contemner, who has accepted service of the rule and whose personal appearance is dispensed with until further order, shall file affidavit in response to the rule within a fortnight.

List the contempt matter for consideration after three weeks (i.e.15.02.2012).The cheque offered by WBIDC shall be accepted by Advocate-on-Record for the

petitioners without prejudice to the rights and contentions of the petitioners. The Advocate-on-Record shall give appropriate receipt at once.

List the WP for order next Tuesday (i.e. 31.01.2012). Certified xerox.

(JAYANTA KUMAR BISWAS, J.) cs/

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