

IN THE HIGH COURT AT CALCUTTA
CIVIL APPELLATE JURISDICTION
APPELLATE SIDE

Present:

The Hon'ble Justice Debangsu Basak

And

The Hon'ble Justice Ajay Kumar Gupta

MAT 959 of 2025

Calcutta State Transport Corporation Employees'
Co-operative Credit Society Limited

Vs.

The State of West Bengal & Ors.

With

CAN 1 of 2025

CAN 2 of 2025

For the Appellant : Mr. Bikash Ranjan Bhattacharjee, Sr. Adv.,
Mr. Dhiman Kumar Sengupta
Ms. Farheen Mustaque
Mr. D. Biswas

For the Respondents CSTC : Mr. N.C. Bihani, Sr. Adv.,
Mr. Soumyajit Ghosh
Mr. Sourya Mukherjee

Hearing concluded on : July 27, 2026

Judgment on : July 27, 2026

Debangsu Basak, J.:-

1. The appeal is directed against an order dated April 2, 2025 passed in CPAN 364 of 2022. By the impugned order, learned Single Judge did not entertain the contempt petition.

2. In fact, learned Single Judge dropped the contempt proceedings.
3. Learned senior advocate appearing for the appellant submits that the appeal is maintainable notwithstanding the contempt petition being dropped by the learned Single Judge. In support of such contention, he relies upon **(1988) 3 SCC 26 (D.N. Taneja vs. Bhajan Lal)** and **(2006) 5 SCC 399 (Midnapore Peoples' Coop. Bank Ltd. & Anr.)**
4. Respondents are represented.
5. We find from the records that the appellant before us filed a contempt petition alleging that the alleged contemnors acted in violation of an order dated December 2, 2021 passed in WPA 12193 of 2021.
6. Appellant before us filed a writ petition assailing the action taken by the authorities with regard to calculation of entire outstanding dues. The order dated December 2, 2021 disposing of the writ petition filed by the appellant being WPA 12193 of

2021 required the authorities to assess the amount lying with CSTC authorities and payable to the appellant within two months and while doing so, such authorities may call for the assistance and clarification from the representative of the appellant. Such order also directed that upon completion of the calculation/assessment, the amount assessed to be transferred to the bank account of the appellant.

7. In the contempt petition, learned Single Judge found that the calculations were made as directed. Learned Single Judge found the order dated December 2, 2021 did not contain any direction with regard to payment of interest at all. Learned Single Judge after finding that substantial amount towards the principal were paid, the contempt petition was disposed of.
8. On the issue of maintainability of an appeal, when the first Court refuses to exercise jurisdiction under Article 215 of the Constitution of India or under the provisions of the Contempt of Courts Act, 1971, Supreme Court in **D.N. Taneja** (supra) held

that the appeal directed against dismissal of a contempt petition would not lie.

9. **Midnapore Peoples' Coop. bank Ltd. & Ors.** (supra) is of the following view with regard to right of the appeal under Section 19 of the Act of 1971.

“11. The position emerging from these decisions, in regard to appeals against orders in contempt proceedings may be summarized thus:

- I. An appeal under Section 19 is maintainable only against an order or decision of the High Court passed in exercise of its jurisdiction to punish for contempt, that is, an order imposing punishment for contempt.
- II. Neither an order declining to initiate proceedings for contempt, nor an order initiating proceedings for contempt nor an order dropping the proceedings for contempt nor an order acquitting or exonerating the contemnor, is appealable under Section 19 of the CC Act. In special circumstances, they may be open to challenge under Article 136 of the Constitution.
- III. In a proceeding for contempt, the High Court can decide whether any contempt of court has been committed, and if so, what should be the

punishment and matters incidental thereto. In such a proceedings, it is not appropriate to adjudicate or decide any issue relating to the merits of the dispute between the parties.

- IV. Any direction issued or decision made by the High Court on the merits of a dispute between the parties, will not be in the exercise of “jurisdiction to punish for contempt” and, therefore, not appealable under Section 19 of the CC Act. The only exception is where such direction or decision is incidental to or inextricable connected with the order punishing for contempt, in which event the appeal under Section 19 of the Act, can also encompass the incidental or inextricable connected directions.
- V. If the High Court, for whatsoever reason, decides an issue or makes any direction, relating to the merits of the dispute between the parties, in a contempt proceedings, the aggrieved person is not without remedy. Such an order is open to challenge in an intra-court appeal (if the order was of a learned Single Judge and there is a provision for an intra-court appeal), or by seeking special leave to appeal under Article 136 of the Constitution of India (in other cases).

The first point is answered accordingly.”

10. In view of the ratio laid down in **D.N.Taneja** (supra) and

Midnapore Peoples’ Coop. bank Ltd. & Ors., we find the

present appeal to be not maintainable under Section 19 of the Contempt of Courts Act, 1971. Learned Single Judge did not decide any rights inter se the parties by the order impugned. Learned Single Judge merely refused to invoke contempt jurisdiction after returning a finding of substantial compliance.

11.M.A.T. 959 of 2025 and the connected applications being **CAN 1 of 2025** and **CAN 2 of 2025** are **disposed** of accordingly.

(Debangsu Basak, J.)

12. I agree

S.D.

(Ajay Kumar Gupta, J.)