

CC/66/2026

IN THE HIGH COURT AT CALCUTTA
Special Civil Jurisdiction (Contempt)
ORIGINAL SIDE

MANI SQUARE LIMITED AND ANR.

-VERSUS-

SRI SUBHASH KUMR AND ORS.

BEFORE:

The Hon'ble JUSTICE SHAMPA DUTT (PAUL)

Date : 8th October, 2026.

Appearance:

Mr. Jaydip Kar, Sr. Adv.

Mr. Debjit Mukherjee, Adv.

Mr. Rajarshi Dutta, Adv.

Ms. Rituparna Chatterjee, Adv.

Ms. Khashboo Choudhury, Adv.

Mr. Sushmita Chatterjee, Adv.

Ms. Megha Yadav, Adv.

Ms. Sadia Sultana, Adv.

...for the petitioner.

Mr. Jayanta Kumar Mitra, Sr. Adv.

Mr. Soumya Majumdar, Sr. Adv.

Mr. Pushan Kar, Adv.

Mr. Souvik Majumdar, Adv.

Ms. Annapurba Banerjee, Adv.

Mr. Aurin Chakraborty, Adv.

...for the alleged contemnor.

The Court: The contempt application has been filed alleging wilful and deliberate violation of this Court's judgment and order dated 27th March, 2026 passed in ALP No.2 of 2025 (Mani Square Limited & Anr. vs. Sri Subhash Kumar & Ors.).

Vide the said judgment and order, this Court directed transfer of Title Suit No. 469 of 2023 from the District Court at Alipore to the Learned Commercial Court at Alipore, and further directed as follows:

*“24. Keeping in mind all the factors as stated and above all, for the purpose of justice, the Commercial Court at Alipore is directed to hear the Commercial Suit being No.48 of 2023 along with Title Suit No.469 of 2023 transferred from the Court of learned 4th Civil Judge (Senior Division) at Alipore, **by making all endeavour to conduct day to day hearing**, without granting unnecessary adjournments and dispose of the two suits to be heard analogously, preferably within a period of six months from the date of transfer of records as directed.”*

The aforesaid order dated 27th March, 2025 was challenged by the respondent/alleged contemnors by way of review, which came to be dismissed on 15th May, 2025. The challenge before the Hon'ble Supreme Court in SLP (C) No. 17205 of 2025 and SLP (C) No. 17284 of 2025 was also dismissed on 4th July, 2025, whereby the directions contained in the order dated 27th March, 2025 attained finality. A further order dated 27th August, 2025 passed by a Coordinate Bench of this Court also directed expeditious analogous trial and disposal of the pending interlocutory applications within 30 days after giving opportunity to the parties of being heard.

Despite the aforesaid binding directions, the alleged contemnors have continued filing interlocutory applications and seeking adjournments, thereby delaying the proceedings in Suit-I and Suit-II and frustrating the directions for expeditious disposal. The Petitioners state that Suit-I was fixed on 67 occasions after the order dated 27th March, 2025, on 11 of which adjournments were sought by the alleged contemnors, while Suit-II was also adjourned on several occasions.

The petitioners accordingly contend that the aforesaid acts and conduct constitute wilful and deliberate disobedience of the order dated 27th March, 2025

and amount to interference with the administration of justice. The present application has therefore been filed seeking issuance of Rule, appropriate directions for compliance of the order dated 27th March, 2025 and such other orders, including penal consequences, as this Hon'ble Court may deem fit and proper.

On hearing the learned senior counsels appearing for the parties, and considering the nature of violation alleged by the petitioner herein, it appears that the petitioner's principal allegation regarding violation of this Court's order relates to paragraph 24 of the order dated 27th March, 2025.

Admittedly, the alleged contemnors/respondents herein have been filing applications before the Commercial Court which the Commercial Court is considering and proceeding in accordance with law. But such conduct on the part of the alleged contemnors does not prima facie appear to be violation of the order dated 27th March, 2025. **The directions in paragraph 24 of the said judgment are upon the Commercial Court, Alipore and it is the duty of the Commercial Court at Alipore to comply with the directions of the High Court diligently, that is to hear the suits transferred before it analogously by making all endeavour to conduct day to day hearings. The entire direction is upon the Commercial Court at Alipore and not upon the alleged contemnors/respondents herein.**

In view of the said facts and circumstances, no prima facie case of violation of the order dated 27th March, 2025 passed in ALP No.2 of 2025 amounting to contempt is made out against the alleged contemnors therein.

Accordingly, the contempt proceeding being CC No.66 of 2026 is, thus, dropped.

Since no affidavit has been called for, the allegations contained in the contempt petition, are deemed not to have been admitted by respondents herein.

Urgent certified Photostat copy of this order, if applied for, be supplied to the parties upon compliance of all requisite legal formalities.

(SHAMPA DUTT (PAUL), J.)