



HIGH COURT OF CHHATTISGARH AT BILASPUR

CONT No. 282 of 2024

RAJNEESH GOYAL, **versus** MR. PRAHLAN PANDEY

Order Sheet

25/11/2025	Mr. Manoj Paranjpe, Sr. Advocate with Mr. Arpan Verma, counsel for the petitioner. Mr. Kishore Bhaduri, Sr. Advocate with Mr. Harsh Dave, counsel for the respondent. Heard. Learned Sr. counsel appearing for the respondent submits that order under contempt was passed on 27.7.2022 in WPC No.1007/2018, in which direction was given to the respondents therein to comply with the order within three months, which was completed on 27.10.2022, therefore, the the petitioner/applicant ought to have filed this contempt petition within one year from the date of cause of action i.e. 27.10.2022. But instant contempt petition has been filed by the petitioner on 19.02.2024, which is barred by limitation. In this regard, he placed reliance in the case of Omprakash Jaiswal vs. DK Mittal and Anr. (2000) 3 SCC 171 and S. Tirupathi Rao vs. M. Lingamaiah and Ors. 2024 SCC Online SC 1764. Per contra, learned Sr. counsel appearing for the
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petitioner submits that after passing of impugned order dated 27.7.2022, the petitioner filed application for compliance of order under contempt on 20.9.2022 and subsequently he again filed similar application on 29.12.2023. In the meantime, the contemnors/respondents filed review petition bearing No. 12/23 on 01.12.2022, however, the same was withdrawn by the respondent herein on 13.9.2024. He further submits that on 14.11.2022 Municipal Council Champa, Distt. Janjgir Champa has passed resolution (Annexure-R/3) that though the Court has passed order against them to pay compensation to the petitioner, but the Municipal council is unable to pay the compensation due lack of fund, as such, they are ready to return the land. However, that aspect was already considered by the Court in the impugned Order dated 27.7.2022 and the same has been declined by the Court. Learned counsel further submits that the respondent has repeatedly expressed willingness with regard to grant of compensation, but because of lack of fund, they are unable to pay the same. They have never refuted the fact that the petitioner is not entitled to get the compensation. Learned Sr. counsel further submits that from the aforesaid conduct of the respondent, it cannot be said that instant contempt petition is barred by limitation.

Undisputedly, the order under contempt was passed on 27.7.2022, in which, the respondents were directed to comply with the order within 03 months, but as contended by learned counsel for the applicant, the applicant had filed first application before the respondent authorities for compliance of order on 20.9.2022 and thereafter he again filed one more application on 29.12.2023. Record also shows that on the basis of aforesaid applications, the matter was considered by the Municipal Council of Champa on 14.11.2022 (Annexure-R/3). Perusal of order under contempt as well as Annexure-R/3 show that the

respondents have never refuted for payment of compensation to the applicant, rather their hardship is lack of fund. Though they have expressed their willingness to return the land, but this aspect has already been declined by the learned Single Judge in the Order under contempt.

After passing order dated 27.7.2022, the respondent has filed Review Petition No.12/2023, which was withdrawn by them on 13.9.2024 showing their intention to file appeal challenging order under contempt. But learned Sr. counsel appearing for the respondent informed the Court that no appeal has been filed.

Though in the case of **S. Tirupathi Rao (supra)**, the Hon'ble Supreme Court has held in para 56 that *even if contempt is committed and within the stipulated period of one year from such commission no action is brought before the court on the specious ground that the contempt has been continuing, no party should be encouraged to wait indefinitely to choose his own time to approach the court*. But in the instant case, it is found that the applicant had filed an application for compliance of order under contempt within two months, thereafter, he again filed application for the same and in the light of which, the Municipal Council, Champa has also passed resolution on 14.11.2022 (Annexure-R/3). Further review petition was also filed by the respondent herein on 01.12.2022, which was ultimately withdrawn on 13.9.2024 and meanwhile this contempt petition has also filed, therefore, having considered aforesaid facts, it cannot be held that the applicant was sleeping over his rights.

The Hon'ble Supreme Court in the case of **Pallav Sheth vs. Custodian and Ors. (2001) 7 SCC 549** has held that if the Court comes to the conclusion that ultimately contempt has been made out then the court is not powerless to proceed the contempt petition. In this regard, para 41, 42 and 43 are

reproduced hereunder:-

41. One of the principles underlying the law of limitation is that a litigant must act diligently and not sleep over its rights. In this background such an interpretation should be placed on Section 20 of the Act which does not lead to an anomalous result causing hardship to the party who may have acted with utmost diligence and because of the inaction on the part of the court, a contemner cannot be made to suffer. Interpreting the section in the manner canvassed by Mr Venugopal would mean that the court would be rendered powerless to punish even though it may be fully convinced of the blatant nature of the contempt having been committed and the same having been brought to the notice of the court soon after the committal of the contempt and within the period of one year of the same. Section 20, therefore, has to be construed in a manner which would avoid such an anomaly and hardship both as regards the litigants as also by placing a pointless fetter on the part of the court to punish for its contempt. An interpretation of Section 20, like the one canvassed by the appellant, which would render the constitutional power of the courts nugatory in taking action for contempt even in cases of gross contempt, successfully hidden for a period of one year by practising fraud by the

contemner would render Section 20 as liable to be regarded as being in conflict with Article 129 and/or Article 215. Such a rigid interpretation must therefore be avoided.

42. The decision in *Om Prakash Jaiswal case (supra)* to the effect that initiation of proceedings under Section 20 can only be said to have occurred when the court formed the prima facie opinion that contempt has been committed and issued notice to the contemner to show cause why it should not be punished, is taking too narrow a view of Section 20 which does not seem to be warranted and is not only going to cause hardship but would perpetrate injustice. A provision like Section 20 has to be interpreted having regard to the realities of the situation. For instance, in a case where a contempt of a subordinate court is committed, a report is prepared whether on an application to court or otherwise, and reference made by the subordinate court to the High Court. It is only thereafter that a High Court can take further action under Section 15. In the process, more often than not, a period of one year elapses. If the interpretation of Section 20 put in *Om Prakash Jaiswal case (supra)* is correct, it would mean that notwithstanding both the subordinate court and the High Court being prima facie

	satisfied that contempt has been committed the High Court would become powerless to take any action. On the other hand, if the filing of an application before the subordinate court or the High Court, making of a reference by a subordinate court on its own motion or the filing of an application before an Advocate-General for permission to initiate contempt proceedings is regarded as initiation by the court for the purposes of Section 20, then such an interpretation would not impinge on or stultify the power of the High Court to punish for contempt which power, de hors the Contempt of Courts Act, 1971 is enshrined in Article 215 of the Constitution. Such an interpretation of Section 20 would harmonise that section with the powers of the courts to punish for contempt which is recognised by the Constitution. 43. A question arose before a Full Bench of the Punjab and Haryana High Court in the case of <i>Manjit Singh v. Darshan Singh</i> [1984 Cri LJ 301 : (1984) 86 Punj LR 9 (P&H) (FB)] with regard to the application of Section 20 to the proceedings of criminal contempt. After coming to the conclusion that on the language of Section 20 the date when the time begins to run is fixed from the point on which the criminal contempt is alleged to have been committed the Court had to
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	decide the terminating point or the terminus ad quem for the limitation under Section 20 of the Act. Four possibilities which fell for consideration in this regard were: (i) the date on which the actual notice of contempt is issued by the court; (ii) the date on which the Advocate-General moves the motion under Section 15(1)(a); (iii) the date on which a subordinate court makes a reference of the criminal contempt under Section 15(2) of the Act; and (iv) the date on which any other person prefers an application to the Advocate-General for his consent under Section 15(1)(b) of the Act. On behalf of the State, the contention raised before the Full Bench was that the sole terminus ad quem was the date of the actual issuance of the notice of criminal contempt by the court and reliance in this behalf was inter alia placed on the abovementioned decision of this Court in <i>Baradakanta Mishra case</i> [(1975) 3 SCC 535 : 1975 SCC (Cri) 99] . The Full Bench, in our opinion, rightly came to the conclusion that the sole question which arose for consideration in <i>Baradakanta Mishra case</i> [(1975) 3 SCC 535 : 1975 SCC (Cri) 99] related to the interpretation of Section 19 of the Act and no question of interpreting or applying Section 20 was at all in issue. Following the dictum of Lord
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	Halsbury in <i>Quinn v. Leathem</i> [1901 AC 495 : (1900-3) All ER Rep 1 : 70 LJPC 76 : 85 LT 289] that a case is only an authority on what it actually decides and cannot be quoted for a proposition that may even seem to follow logically therefrom, the Full Bench correctly observed that <i>Baradakanta Mishra case</i> [(1975) 3 SCC 535 : 1975 SCC (Cri) 99] was no warrant for the proposition that the issuance of a notice of criminal contempt by the High Court is the sole terminus ad quem for determining limitation under Section 20 of the Act. The Court then proceeded to observe in paras 13 and 19 as follows: (Cri LJ pp. 305-06 & 308) “13. Once that is so, one must now proceed to analyse and construe Section 20 independently. A plain reading thereof would indicate that the legislature drew a clear line of distinction betwixt proceedings for contempt initiated by the court on its own motion, and those not so done. Suo motu action by the High Court is thus clearly a class by itself. Consequently the statute in express terms refers to these two classes separately, namely, any proceedings for contempt on court's own motion, and proceedings for contempt initiated 'otherwise'. The use of the word 'otherwise' is significant and indeed provides the clue to the true interpretation of Section 20. Therefore, initiation of
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contempt proceedings otherwise than on court's own motion would include within its sweep a motion by the Advocate-General, a reference by a subordinate court to the High Court to take action for contempt and an application before the Advocate-General seeking his consent by any other person under Section 15 and lastly in cases of civil contempt the motion by a private litigant directly in the court.

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19. To finally conclude it must be held that the terminus a quo for limitation begins under Section 20 of the Act on the date on which the contempt is alleged to have been committed. The terminus ad quem in case of criminal contempt would necessarily vary and be related to the modes of taking cognizance thereof provided for in Section 15. In cases where it is initiated on the court's own motion it would necessarily be from the issuance of the notice for contempt by the court. In case of a motion by the Advocate-General under Section 15(1)(a), the proceedings would initiate from the date of the filing of such a motion in the High Court. Where any other person moves the Advocate-General for his consent

Bini	in writing as prescribed in Section 15(1)(b), the initiation of proceedings would be with effect from the date of such application. Lastly, in cases of criminal contempt of a subordinate court on a reference made by it the proceedings must be deemed to be initiated from the date when such reference is made.” In view of the aforesaid observations made by the Apex Court and particularly considering the steps taken by the respondent in passing resolution (Annexure-R/3) in their General Body meeting and filing review petition, though no appeal was filed despite liberty being granted, it cannot be held that this contempt petition is barred by limitation. Hence, objection raised by learned Sr. counsel appearing for the respondent is rejected. Even after lapse of about 03 years, order under contempt has not been complied with by the respondent authority, therefore, they are directed to comply with order within a further period of 08 weeks from today, else, the respondent/contemnor shall remain present in person before this Court on the next date of hearing. List this case on 27.01.2026. Sd/- (Naresh Kumar Chandravanshi) Judge
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