

IN THE HIGH COURT OF JHARKHAND AT RANCHI

(Civil Miscellaneous Jurisdiction)

Contempt Case (Civil) No. 150 of 2024

M/s Techno Electric & Engg. Co. Ltd. through its President (Business Development) **Petitioner**

Versus

1. The State of Jharkhand
2. Avinash Kumar, Managing Director, JBVNL
3. Theophil Kullu, Finance Controller, JBVNL **Opposite Parties**

With

Contempt Case (Civil) No. 152 of 2024, Contempt Case (Civil) No. 153 of 2024 and Contempt Case (Civil) No. 154 of 2024

**CORAM: HON'BLE THE ACTING CHIEF JUSTICE
HON'BLE MR. JUSTICE SUJIT NARAYAN PRASAD**

For the Petitioner(s) : Mr. Nitin Kr. Pasari, Advocate
For the JBVNL : Mr. Sachin Kumar, Sr.SC
Mr. Karamdeo, Advocate

Order No.04/ Dated: 19th April 2024

Mr. Sachin Kumar, the learned Senior Standing Counsel seeks adjournment in these contempt cases on the ground that a Civil Review Petition seeking review of the judgment rendered in W.P.(T) No. 4885 of 2022 and analogous cases filed by M/s Techno Electric and Engineering Company Limited has been preferred by the Jharkhand Bijli Vitran Nigam Limited (in short, JBVNL).

2. The judgment in W.P.(T) No. 4885 of 2022 and analogous cases was taken in appeal by the JBVNL by filing Special Leave Petition (Civil) Diary No(s). 35251 of 2023.

3. The Special Leave Petition was dismissed on 10th November 2023, in the following terms:

“Delay condoned.

Having heard the learned senior counsel for the petitioners as also the learned senior counsel for the respondents, keeping in view the factual aspects involved in the instant case, we see no reason to interfere.

However, on the larger issue relating to the question of law which has been raised, the same is left open to be considered if it arises in an appropriate fact situation.

Petition(s) stand(s) disposed of along with the pending application(s), if any.”

4. As the order passed by the Hon’ble Supreme Court indicates, the Special Leave Petition filed by the JBVNL has been dismissed after an adjudication on facts in M/s Techno Electric and Engineering Company Limited. We have also indicated in W.P.(T) No. 4885 of 2022 and batch cases that it is not permissible for this Court to reopen the concluded issue in W.P.(T) No. 4885 of 2022 and analogous cases.

5. Now the filing of review petition by the JBVNL and, that too, about 9 months after the judgment was rendered in the aforementioned cases cannot provide any excuse to the JBVNL not to make payment to M/s Techno Electric and Engineering Company Limited, as directed by this Court in W.P.(T) Nos. 4885 of 2022, 4886 of 2022, 4904 of 2022 and 4905 of 2022; within 12 weeks from the receipt of copy of the judgment.

6. Having regard to the law on the subject, non-compliance of the direction issued by this Court in W.P.(T) No. 4885 of 2022 and analogous cases shall *prima facie* constitute the contempt of the Court.

7. Therefore, exercising the powers under Article 215 of the Constitution of India read with the provisions under the Contempt of Courts Act, 1971 and, as laid down in the High Court of Jharkhand Rules, the Registry shall issue a notice to the opposite party nos. 2 and 3 in Appendix-I with a direction to them to file their show-cause reply within two weeks.

8. We are providing two weeks’ time only to the contemnors for the reason that any further delay in making payment of GST component against indirect transactions shall incur further statutory interest liability to the JBVNL.

9. Post these matters on 10th May 2024.

(Shree Chandrashekhar, A.C.J.)

(Sujit Narayan Prasad, J.)

R.K./Nishant