**IN THE HIGH COURT OF JHARKHAND AT RANCHI**
**Cont. Case (Cvl.) No.150 of 2024**
**------**

M/s Techno Electric & Engg. Co. Ltd., a Company within the meaning of section 2(20) of the Companies Act, 2013, having its Registered Office at C-218, Ground Floor (GR-1), Sector-63, Noida, Gautam Buddha Nagar, Uttar Pradesh, and its Unit at 415/2, 4th floor, “Saffron Enclave” Motorola Building, M.G. Road, Sector-14, Gurugram-122001 (Haryana) through its President (Business Development), Electrical cum Authorised Signatory Sheikh Anoar Ali, son of Sheikh Golum Murshed, aged about 57 years, resident of Sherwood Estate, 169 N S C Bose Road, Block-H, Lobby-2, Flat-1E, Rajpur Sonarpur (M), South 24 Parganas, Narendrapur, West Bengal, P.O. Narendrapur, P.S. South 24 Parganas, Town & District-Kolkata, West Bengal .... .... **Petitioner**

**Versus**

**1.** The State of Jharkhand.

**2.** Avinash Kumar, Managing Director, Jharkhand Bijli Vitran Nigam Limited, having his place of business at Engineers Building, P.O. & P.S. Dhurwa, District-Ranchi-834004, Jharkhand.

**3.** Theophil Kullu, Finance Controller, JBVNL, having its office at Engineers Building, P.O. & P.S. Dhurwa, District-Ranchi-834004, Jharkhand. ..... .... **Opp. Parties**

**With**
**Cont. Case (Cvl.) No.152 of 2024**
**------**

M/s Techno Electric & Engg. Co. Ltd., a Company within the meaning of section 2(20) of the Companies Act, 2013, having its Registered Office at C-218, Ground Floor (GR-1), Sector-63, Noida, Gautam Buddha Nagar, Uttar Pradesh, and its Unit at 415/2, 4th floor, “Saffron Enclave” Motorola Building, M.G. Road, Sector-14, Gurugram-122001 (Haryana) through its President (Business Development), Electrical cum Authorised Signatory Sheikh Anoar Ali, son of Sheikh Golum Murshed, aged about 57 years, resident of Sherwood Estate, 169 N S C Bose Road, Block-H, Lobby-2, Flat-1E, Rajpur Sonarpur

(M), South 24 Parganas, Narendrapur, West Bengal, P.O. Narendrapur, P.S. South 24 Parganas, Town & District-Kolkata, West Bengal .... .... **Petitioner**

**Versus**

1. The State of Jharkhand.
2. Avinash Kumar, Managing Director, Jharkhand Bijli Vitran Nigam Limited, having his place of business at Engineers Building, P.O. & P.S. Dhurwa, District-Ranchi-834004, Jharkhand.
3. Theophil Kullu, Finance Controller, JBVNL, having its office at Engineers Building, P.O. & P.S. Dhurwa, District-Ranchi-834004, Jharkhand. ..... .... **Opp. Parties**

**With**

**Cont. Case (Cvl.) No.153 of 2024**

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M/s Techno Electric & Engg. Co. Ltd., a Company within the meaning of section 2(20) of the Companies Act, 2013, having its Registered Office at C-218, Ground Floor (GR-1), Sector-63, Noida, Gautam Buddha Nagar, Uttar Pradesh, and its Unit at 415/2, 4th floor, "Saffron Enclave" Motorola Building, M.G. Road, Sector-14, Gurugram-122001 (Haryana) through its President (Business Development), Electrical cum Authorised Signatory Sheikh Anoar Ali, son of Sheikh Golum Murshed, aged about 57 years, resident of Sherwood Estate, 169 N S C Bose Road, Block-H, Lobby-2, Flat-1E, Rajpur Sonarpur (M), South 24 Parganas, Narendrapur, West Bengal, P.O. Narendrapur, P.S. South 24 Parganas, Town & District-Kolkata, West Bengal .... .... **Petitioner**

**Versus**

1. The State of Jharkhand.
2. Avinash Kumar, Managing Director, Jharkhand Bijli Vitran Nigam Limited, having his place of business at Engineers Building, P.O. & P.S. Dhurwa, District-Ranchi-834004, Jharkhand.
3. Theophil Kullu, Finance Controller, JBVNL, having its office at Engineers Building, P.O. & P.S. Dhurwa, District-Ranchi-834004, Jharkhand. ..... .... **Opp. Parties**

**With**
**Cont. Case (Cvl.) No.154 of 2024**
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M/s Techno Electric & Engg. Co. Ltd., a Company within the meaning of section 2(20) of the Companies Act, 2013, having its Registered Office at C-218, Ground Floor (GR-1), Sector-63, Noida, Gautam Buddha Nagar, Uttar Pradesh, and its Unit at 415/2, 4th floor, "Saffron Enclave" Motorola Building, M.G. Road, Sector-14, Gurugram-122001 (Haryana) through its President (Business Development), Electrical cum Authorised Signatory Sheikh Anoar Ali, son of Sheikh Golum Murshed, aged about 57 years, resident of Sherwood Estate, 169 N S C Bose Road, Block-H, Lobby-2, Flat-1E, Rajpur Sonarpur (M), South 24 Parganas, Narendrapur, West Bengal, P.O. Narendrapur, P.S. South 24 Parganas, Town & District-Kolkata, West Bengal .... .... **Petitioner**

**Versus**

1. The State of Jharkhand.
2. Avinash Kumar, Managing Director, Jharkhand Bijli Vitran Nigam Limited, having his place of business at Engineers Building, P.O. & P.S. Dhurwa, District-Ranchi-834004, Jharkhand.
3. Theophil Kullu, Finance Controller, JBVNL, having its office at Engineers Building, P.O. & P.S. Dhurwa, District-Ranchi-834004, Jharkhand. ..... .... **Opp. Parties**

**CORAM : HON'BLE MR. JUSTICE SUJIT NARAYAN PRASAD**
**HON'BLE MR. JUSTICE SANJAY PRASAD**
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For the Petitioner : Mr. Nitin Pasari, Advocate
Mr. Shubham Choudhary, Advocate
Ms. Amrita Singh, Advocate
**(In all the cases)**
For the Opp. Parties : Mr. Sachin Kumar, Sr. S.C.
Mr. Srikant Swaroop, A.C. to Sr. S.C.
Ms. Aditi Raj, A.C. to Sr. S.C.
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**14/Dated: 19.03.2026**

1. The instant contempt cases have been filed against the opposite parties for alleged, willful and deliberate non-compliance of the

common order dated 26.07.2023 passed by this Court in W.P.(T) No.4904 of 2022 and analogous cases.

**2.** Mr. Nitin Kumar Pasari, learned counsel for the petitioner, in all the cases, has submitted that this Court while passing the order dated 26.07.2023, which is the subject matter of the present contempt cases, has remitted the matter back to the respondent-JBVNL, opposite party herein, to calculate and pay the withheld amount which has been deducted from various bills of the petitioner since September, 2019 till the date of actual payment as the petitioner is entitled for reimbursement of GST along with statutory interest in terms of the GST Act, 2017 read with the Rules framed thereunder. The said exercise was directed to be completed within a period of 12 weeks from the date of receipt/production of copy of the order.

**3.** It has been submitted that the order when was not complied with, these contempt cases have been filed.

**4.** He has drawn the attention towards the various orders passed in the present contempt proceeding.

**5.** The submission has been made that in pursuant to the orders passed by this Court in the present contempt proceeding, an amount of Rs.30.80 crores has been paid.

**6.** The submission has also been made that the petitioner is entitled for an amount of Rs.52 crores and more, as per the pleading made in the writ petition, but the entire amount has not been paid, rather, without showing any basis of calculation of an amount of

Rs.30.80 crores, the said amount has been paid.

**7.** It has been submitted that the petitioners since are entitled for more amount and as such, at least, the opposite parties ought to have come out with the calculation chart justifying the entitlement of the petitioners of an amount of Rs.30.80 crores.

**8.** Mr. Nitin Pasari, learned counsel for the petitioners, in view of the above, has submitted that the order, therefore, has not been complied with.

**9.** While on the other hand, Mr. Sachin Kumar, learned Sr. S.C. appearing for the opposite parties has submitted by referring to the show cause notice filed on behalf of opposite party nos.2 and 3 that the amount, as per the entitlement, has already been paid.

**10.** It has been submitted by referring to the order passed by the writ court that the matter was remitted back to the respondent-JBVNL to calculate and pay the withheld amount which has been deducted from various bills of the petitioner since September, 2019 till the date of actual payment as the petitioner is entitled for reimbursement of GST along with statutory interest in terms of the GST Act, 2017 read with Rules framed thereunder.

**11.** It has been submitted that the said order has been carried out after taking into consideration the entitlement of the amount and even the petitioner has been requested to come with the document but, on one pretext or the other, the relevant document which has been made basis of amount more than the amount which has been paid, i.e., 30.80 crores has not been produced before the authority.

**12.** The submission has been made that the petitioner has been held entitled for an amount of Rs.30.80 crores and for the same, the detailed calculation has been furnished, as available in tabular chart, appended as Annexure-B to the show cause notice dated 17.02.2026.

**13.** Mr. Sachin Kumar, learned Sr. S.C. for the opposite parties has further submitted that since, there is no specific command by the writ court, rather, the matter was remitted before the authority to decide the issue of entitlement of quantum of amount and the same has already been decided and as such, it is incorrect on the part of the petitioner to claim that the order has not been complied with.

**14.** He has further submitted that the order since has substantially been complied with and as such, the present contempt cases are not fit to be proceeded.

**15.** We have heard the learned counsel for the parties.

**16.** This Court, after hearing the learned counsel for the parties at length, thought it proper first to refer the order passed by the writ court, which is the subject matter of the present contempt case, for ready reference, the operative part of the said order, as available at paragraph-16 thereof, is being quoted as under: -

> *"16. In view of the aforesaid discussion and the settled proposition of law we are of the considered opinion that the respondents were not justified in withholding the amount of GST impact and the same is arbitrary, violative and against their own terms of agreement.*

> *Consequently, we hold that in view of introduction of GST during the continuance of the ongoing contract, the liability to pay GST shall be that of the Respondent JBVNL in terms of the amended work order incorporating the impact of GST.*
>
> *Hence, the matter is remitted back to the Respondent JBVNL to calculate and pay the withheld amount which has been deducted from various bills of the petitioner since September, 2019 till the date of actual payment as the petitioner is entitled for reimbursement of GST along with statutory interest in terms of the GST Act, 2017 read with the Rules framed thereunder.*
>
> *It is made clear that the entire exercise shall be completed within a period of 12 weeks from the date of receipt/production of copy of this order."*

**17.** It is evident from the aforesaid order that after referring the factual aspects, the matter was remitted back to the respondent JBVNL to calculate the withheld amount.

**18.** It is, thus, evident that there is no mandamus issued by the State holding the writ petitioner entitled for certain amount, rather, it has been left upon the respondent-JBVNL itself and due to that reason, the matter has been remitted. The respondent-JBVNL has decided the issue by holding the writ petitioner entitled for an amount of Rs.30.80 crores. The writ petitioner, however, is not satisfied with the said calculation of an amount of Rs.30.80 crores.

**19.** The grievance of the writ petitioner as has been referred hereinabove that he is entitled for more amount, which according to the petitioner is based upon deduction already made, which would be evident from the various bills.

**20.** Learned counsel for the petitioner, therefore, has insisted upon this Court to issue further direction to hold the writ petitioner entitled for further more amount.

**21.** This Court is conscious that the power conferred to this Court to initiate the proceeding for contempt is under Article 215 of the Constitution of India read with Sections 11 and 12 of the Contempt of Courts Act, 1971.

**22.** Article 215 of the Constitution of India, is to be exercised by the High Court, being the Court of record, but the procedure, since, has not been available under Article 215 of the Constitution of India, for which, the Contempt of Courts Act, 1971 has been enacted.

**23.** The Contempt of Courts Act, 1971 contains the definition of the word 'civil contempt' as under Section 2(b) thereof, which is being quoted as under:-

> *"2.(b) civil contempt means wilful disobedience to any judgment, decree, direction, order, writ or other process of a court or wilful breach of an undertaking given to a court."*

**24.** The word 'willful and deliberate non-compliance is the core of the issue for the purpose of the High Court, in exercise of power conferred under Article 215 of the Constitution of India read with the relevant provisions of Sections 11 and 12 of the Contempt of Courts Act, 1971, by which, the power is to be exercised by the High Court to initiate a proceeding for contempt.

**25.** This Court is of the view that when the writ court has passed an order remitting the matter before the JBVNL to decide the claim of the writ petitioner which has been decided by holding the writ petitioner entitled for an amount of Rs.30.80 crores and as such, in absence of any specific adjudication by the writ court, it will not be just and proper for this Court to arrive at another conclusion as has been arrived at by the JBVNL holding the writ petitioner entitled for amount of Rs.30.80 crores.

**26.** This Court, therefore, is of the view that in the present contempt cases, since, the order passed by the writ court has substantially been complied with and as such, it is not a case where the further proceeding under Article 215 of the Constitution of India read with Sections 11 and 12 of the Contempt of Courts Act, 1971 is to be initiated.

**27.** Accordingly, the instant contempt cases, are hereby, closed and as such, disposed of.

**28.** So far as the prayer which has been made on behalf of the petitioners, the liberty is being reserved to the individual petitioner to agitate the grievance on the issue of quantum of amount before the appropriate forum.

**29.** Pending interlocutory application(s), if any, stands disposed of.

**(Sujit Narayan Prasad, J.)**

**(Sanjay Prasad, J.)**

19.03.2026
Rohit/-