

IN THE HIGH COURT OF JHARKHAND AT RANCHI
Contempt Case (Civil) No. 424 of 2024

M/s Anvil Cables Private Limited through its Assistant Manager-cum-Authorized Signatory, Mr. Jay Prakash Mishra

.... Petitioner

Versus

1. State of Jharkhand
2. Sanjiv Kumar Besra, Labour Commissioner, Department of Labour, Employment & Training, having its office at Shram Bhawan, Doranda, P.O. and P.S. Doranda, District Ranchi, Jharkhand- 834 002
3. Avinash Krishna, Assistant Labour Commissioner – cum Cess Assessment Officer (Building and Other Construction Workers’ Welfare Cess Act, 1996), having its office at Shram Bhawan, Doranda, P.O. and P.S. Doranda, District Ranchi, Jharkhand- 834 002

.... Opposite Parties

CORAM: HON'BLE MR. JUSTICE GAUTAM KUMAR CHOUDHARY

For the Petitioner	: Mr. M.S. Mittal, Sr. Advocate Mr. Salona Mittal, Advocate Ms. Amrita Singh, Advocate Mr. Yashdeep Kanhai, Advocate Mrs. Lavanya Gododia Mittal, Advocate Mr. Arya Vardhan Singh, Advocate Ms. Divya Choudhary, Advocate
For the State	: Mr. Amit Kumar, S.C. (Mines)-II
For the JBOCWW	: Mr. Krishna Murari, Advocate Mr. Jayesh Anand, Advocate

Order No.11 / Dated : 07.08.2025

Heard learned counsel on behalf of petitioner.

It is submitted that the order under contempt has been passed in W.P. (C) No.5458 of 2023 on 04.12.2023. Letters Patent Appeal against the said order has also been dismissed on 09.05.2025. After dismissal of the L.P.A., contemnors in order to cause deliberate delay, have filed Special Leave Petition with defect and have not removed the defect till date.

Learned counsel on behalf of contemnors seeks further adjournment.

Having heard the counsel on behalf of both sides, it is apparent that the Special Leave Petition was filed against the order passed in L.P.A., but till date even the defect has not been removed. This casts cloud on the intent to seriously pursue the legal remedy before Hon’ble Supreme Court under Order XVII Rule 1 of the Supreme Court Rules, 2013. Mere filing of Special Leave Petition, shall not prevent execution of decree or order of appeal against.

In view of the ratio laid down in *Kerala Sed Vs. MRF Limited*, (1996) 1 SCC 576; *Kunhayammed Vs. State of Kerala*, (2000) 6 SCC 359; *Tata Motors Limited Vs. State of Jharkhand*, 2008 SC OnLine Jhar 1177, there is no impediment to

proceed against the contemnor as the order under contempt has not been stayed.

Under the circumstance, opposite party nos.2 and 3 be noticed under Rule 393 of the High Court of Jharkhand Rules, 2001 to appear in person on the next date for framing of charge.

List this case on 26.08.2025.

(Gautam Kumar Choudhary, J.)

Anit