

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO(s). 9945 OF 2014
(Arising out of SLP(Civil) No(s). 1520 of 2014)

ROYAL CARRIER & COURIER PVT.LTD

Appellant(s)

VERSUS

AKASH TRIPATHI AND ORS

Respondent(s)

O R D E R

Leave granted.

Aggrieved by a part of the order in Contempt Case no. 343 of 2013 dated 21st October, 2013 by the Madhya Pradesh High Court, the applicant therein preferred the instant appeal.

Without going into the complete details of the case, it is sufficient to mention that the appellant herein had approached the Madhya Pradesh High Court on more than one occasion complaining that the appellant was not being permitted to ply the vehicles owned by the appellant-Company from a Sarvate Bus Stand which is controlled by the Indore Municipality. By an order dated 7.12.2012, the High Court in Writ Petition No. 5993 of 2012

Signature Not Verified
Digitally signed by
Deepak Mansukhani
Date: 2014.10.29
16:52:55 IST
Reason:

directed as follows:-

"Resultantly, without averting to the merits of the case, the present writ petition

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is disposed of with a liberty to the petitioner to submit a representation before the competent authority and in case such a representation is preferred by the petitioner, the same shall be decided by the competent authority/Collector within a period 90 days from the date of receipt of certified copy of this order."

Pursuant to the said order, it appears that the appellant made a representation on 7.12.2012 to the respondents. As there was no response to the representation, on 4.4.2013, a legal notice came to be issued on behalf of the appellant demanding compliance of the above-mentioned order of the High Court.

In view of the failure on the part of the respondents to communicate any decision to the appellant, the appellant moved the Contempt Case No. 343 of 2013. When the matter finally came to

be heard by the High Court, the High Court recorded that, during the pendency of the matter, its earlier order had been complied with, in the sense that the appellant was permitted to ply his buses from the Sarvate Bus Stand.

However, the High Court took note of the fact that for permitting private bus operators to ply from the Sarvate Bus Stand, local body was charging certain fee depending upon the seating capacity of the buses. The High Court also recorded that such fees was fixed by the Collector sometime in the year 2009 and suo-motu recorded a

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finding that the cost of management increased subsequently and, therefore, went on to fix the higher rate of fee that could be collected by the local body managing the bus stand. The relevant portion of the High Court order reads as follows:-

"These rates has been fixed by the Collector, Indore in the capacity of President, Bus Stand Management Committee, Indore vide order dated 7.5.2009. Since the cost of management has increased and similarly fare has been increased, therefore, it appears that the parking charges which are being charged is on lower side and the same is enhanced as under:

Small buses having capacity of Rs. 60/- per day
32 seats
Buses having more than 32 Rs. 100/- per day
seats
Buses having half for a period Rs. 150/- per day
of more than six hours

Necessary charges shall be applicable w.e.f. 17.11.2013. Formal order shall be passed by the President Bus Stand Management Committee, Indore. With the aforesaid, the petition stands disposed of."

We are of the opinion that such an exercise adopted by the High Court is totally uncalled for, more particularly in exercise of its contempt jurisdiction. We, therefore, set aside that above-extracted portion of the impugned order. We make it clear that if the respondents, for any reason, believe that they are entitled to collect a higher amount of fee that is already being collected from the operators of the buses, it is

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open to the respondents to collect such amounts after duly following the appropriate procedure of law both for the determination as well as for the collection of the amounts.

The appeal is disposed of accordingly.

.....J.

(J. CHELAMESWAR)

.....J.
(PINAKI CHANDRA GHOSE)

NEW DELHI
OCTOBER 28, 2014.

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ITEM NO.1

COURT NO.8

SECTION IVA

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s). 1520/2014

(Arising out of impugned final judgment and order dated 21/10/2013
in CC No. 343/2013 passed by the High Court Of M.p At Indore)

ROYAL CARRIER & COURIER PVT.LTD

Petitioner(s)

VERSUS

AKASH TRIPATHI AND ORS

Respondent(s)

(with interim relief and office report)

Date : 28/10/2014 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE J. CHELAMESWAR
HON'BLE MR. JUSTICE PINAKI CHANDRA GHOSE

For Petitioner(s)

Mrs Rani Chhabra, Adv.

For Respondent(s)

Mr. P.N. Mishra, Sr. Adv.
Mr. C. D. Singh, Adv.
Ms. Sakshi Kakkar, Adv.
Ms. Sakshi Mehley, Adv.

UPON hearing the counsel the Court made the following
O R D E R

Leave granted.

The appeal is disposed of in terms of the signed order.

(DEEPAK MANSUKHANI)
COURT MASTER

(INDU BALA KAPUR)
COURT MASTER

(Signed order is placed on the file)