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SLP(C)No. 7034 OF 2005  
ITEM No.MM-24

Court No. 1

SECTION XVIA

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No.7034/2005

(From the judgement and order dated 17/03/2005 in CMP 1/05  
in APLPA No. 5/2004 in LPAOW 21/04 of The HIGH COURT OF J & K AT JAMMU)

STATE OF JAMMU AND KASHMIR AND ORS

Petitioner (s)

VERSUS

M/S. TREHAN INDUSTRIES PVT. LTD. & ANR.

Respondent (s)

(With prayer for interim relief)

Date : 01/04/2005 This Petition was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE  
HON'BLE MR. JUSTICE G.P. MATHUR

For Petitioner (s) Mr. P.P. Rao, Sr. Adv.  
Mr. Anis Suhrawardy, Adv.

For Respondent (s)

UPON being mentioned by the counsel the Court made the following

O R D E R

Taken on Board.

We have heard Mr. P.P. Rao, learned senior counsel for the petitioners and perused the record of the case. It appears that the Division Bench of the High Court felt that its orders are not being carried out and so it wanted the State Government either to comply with its orders or in case of non-compliance the Chief Secretary of the State to appear and explain the non-compliance. The Chief Secretary failed to appear on 17th March, 2005- the date appointed for the purpose.

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On 17th March, 2005 by the impugned order, the Division Bench has felt satisfied that prima facie a case for initiating contempt proceedings is made out and therefore directed notice to issue to the State of Jammu & Kashmir, Chief Secretary and Commissioner/Secretary, Power Development Department to show cause as to why they be not punished for contempt. The notice which has been issued by the High Court does not require the personal appearance. Instead, it mentions that the alleged contemnors may appear in the Court in person or by duly authorised attorney or agent to answer all questions related to the case. The notice also requires the alleged contemnors to show cause as to why the contempt proceedings be not initiated.

We are of the opinion that the petitioners cannot have a cause for grievance persuading them to approach this Court.

We allow the petitioners herein the liberty of making appearance either in person or through counsel, indeed as the notice dated 19.3.2005 itself permits and to satisfy the Court on the appointed date which is 7.4.2005 that there is no case for initiating or proceeding ahead with the contempt proceedings.

The learned counsel for the petitioners has assured on behalf of the petitioners that if the Court does not feel satisfied by the written explanation or by the explanation offered by the counsel appearing on behalf of the alleged contemnors and the Court feels that the alleged contemnors or any of them should offer an explanation in person, then the same shall be done through personal appearance of such officer as the Court may deem fit to direct and on such date, as may be appointed on 7.4.2005 for the purpose.

We make it clear that we have not expressed any opinion on the merits or otherwise of the proceedings so far held and the notice issued by the High Court.

The special leave petition stands disposed of in the above terms.

(Ajay Kr. Jain)

(Radha R. Bhatia)

Court Master

Court Master