

ITEM NO.119

COURT NO.10

SECTION XVII

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

RECORD OF PROCEEDINGS

CIVIL APPEAL NO(s). 7425 OF 1999

K.L. BHATIA

Appellant (s)

VERSUS

M/S. JAINA PROPERTIES & FIN.LTD.& ORS.

Respondent(s)

Date: 02/03/2006 This Appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ARUN KUMAR

HON'BLE MR. JUSTICE R.V. RAVEENDRAN

For Appellant(s) Mr. Prashant Kumar,Adv.

For Respondent(s) Dr. Meera Agarwal, Adv.
Mr. Ramesh Chandra Mishra,Adv.

Mr. Himanshu Shekhar ,Adv

UPON hearing counsel the Court made the following

O R D E R

The appeal is allowed. No costs.

(S. Thapar)

(Phoolan Wati Arora)

PS to Registrar

Court Master

The signed order is placed on the file.

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IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.7425 OF 1999

K.L. Bhatia

Appellant (s)

Versus

M/s Jaina Properties & Fin. Ltd. & Ors.

Respondent (s)

O R D E R

This appeal is directed against an Order dated 16th August, 1999 whereby the MRTP Commission found respondent No.3 (appellant herein) as guilty of committing breach of an Order dated 6th March, 1988 of the Commission.

A fine of rupees two thousand was imposed on him as

punishment for the contempt. We find from the said Order of the Commission that respondents 2 and 3 herein, namely, Kanpur Electricity Supply Administration and Mr. Rajendra Kumar Mishra were directed to restore power supply to the applicant in the Contempt Petition i.e. M/s Jaina Properties & Finance Limited. The Order contempt whereof is alleged

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was thus passed against respondents 2 and 3 herein and not against the appellant.

The appellant has been found guilty of contempt in the impugned order of the Commission only on the basis of information given to the Commission that in some internal departmental inquiry conducted by respondent No.2, appellant before us was departmentally found responsible for the breach of the Order of the Commission dated 6th March, 1998. So far as the MRTTP Commission is concerned, it had passed the direction against respondents 2 and 3 herein and that direction is said to have been breached.

In a matter for initiating Contempt Proceedings, the Commission had to confine to the persons against whom the allegation of having committed contempt was made. The liability of contempt should not have been extended to a person against whom there was no allegation for having

committed contempt. Therefore, we find it difficult to sustain

the impugned order of the Commission.

This appeal is allowed and the impugned order

holding the appellant guilty of having committed contempt of

the Order of the Commission dated 6th March, 1998 is set

aside. No costs.

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By this order we have only decided the issue as to

whether the appellant was guilty of contempt. This order

would not mean that we are holding anyone else as guilty of

contempt.

The appellant is permitted to withdraw the amount of

fine if he had already deposited.

.....J

(ARUN KUMAR)

.....J

(R.V. RAVEENDRAN)

New Delhi,

March 02, 2006