

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.2502 OF 2011

LUCKNOW DEVELOPMENT AUTHORITY, LUCKNOW APPELLANT(S)

VERSUS

JITENDRA MOHAN & ORS. RESPONDENT(S)

O R D E R

The Lucknow Development Authority has filed the present appeal challenging the order dated 22.05.2008 passed by a learned Single Judge of Allahabad High Court in Criminal Miscellaneous Case No.2060(C) of 2007 whereby cost of Rs.2 lakhs have been imposed upon the appellant.

Briefly stated, the facts of the case are that the petitioner before the High Court, who is respondent No.1 in this Court, filed a contempt petition against six alleged contemnors. The High Court found that no case for contempt was made out against alleged contemnor nos.1, 3, 4, 5 and 6 but some default was found on the part of contemnor No.2-Harbhajan Singh, who was the Vice-Chairman of the appellant-Authority. The Court, however, observed that it was not clear as to in what circumstances he had filed the false affidavit. Therefore the High Court

refrained from passing any order of imprisonment but sentenced him to pay fine of Rs.2000/-. The contempt petition against the others was dismissed and cost of Rs.50,000/- imposed upon the petitioner before the High Court.

In addition thereto, the High Court came to a finding that the appellant-Lucknow Development Authority was guilty of filing false affidavit and misleading the Court and, therefore, imposed cost of Rs.2 lakhs.

The main challenge in this appeal is on the ground that no notice was issued to the Lucknow Development Authority before passing such an order. It cannot be disputed that before making any adverse comments against any person or authority and definitely before imposing exemplary costs on such authority, notice has to be issued. This having not been done, this part of the impugned order has to be set aside only on this short ground.

Many years have elapsed. We do not think it advisable to remand the matter on this ground. Therefore, we allow the appeal and set aside the order of the High Court to the limited extent that it imposed costs of Rs.2 lakhs upon the Lucknow Development Authority.

Learned counsel for the respondent No.1 submits that costs which have been imposed upon him be also waived. We

cannot accept the said contention because the special leave petition filed by respondent No.1 stands dismissed.

Accordingly, the appeal is allowed in the aforesaid terms.

.....J.
(DEEPAK GUPTA)

.....J.
(ANIRUDDHA BOSE)

New Delhi
August 06, 2019

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).2502/2011

LUCKNOW DEVELOPMENT AUTHORITY, LUCKNOW

Appellant(s)

VERSUS

JITENDRA MOHAN & ORS.

Respondent(s)

Date : 06-08-2019 This appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE DEEPAK GUPTA
HON'BLE MR. JUSTICE ANIRUDDHA BOSE

For Appellant(s)

Mr. M. C. Dhingra, AOR
Mr. Gaurav Dhingra, Adv.
Ms. Indira K., Adv.
Ms. Shobha Gupta, Adv.
Mr. Gaurav Malhotra, Adv.

For Respondent(s)

For R-1

Mr. Ambhoj Kr. Sinha, AOR

Mr. Krishnanand Pandeya, AOR

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

The appeal is allowed in terms of the signed order.

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

(ARJUN BISHT)
COURT MASTER (SH)

(signed order is placed on the file)

(RENU KAPOOR)
BRANCH OFFICER