

ITEM NO.36 +41 Court 8 (Video Conferencing)

SECTION II

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 (Cr1.) No(s). 3614/2021

(Arising out of impugned final judgment and order dated 30-03-2021 in CCCRLSM No. 1/2021 passed by the Gauhati High Court)

BISWAJIT ROY

Petitioner(s)

VERSUS

THE HONBLE GAUHATI HIGH COURT & ORS.

Respondent(s)

(FOR ADMISSION and I.R. and IA No.60116/2021-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.60117/2021-EXEMPTION FROM FILING AFFIDAVIT)

WITH

SLP [C] No. 6467/2021

(FOR ADMISSION and I.R. and IA No.56767/2021-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.56768/2021-EXEMPTION FROM FILING AFFIDAVIT....[TO BE TAKEN UP ALONG WITH ITEM NO. 36 I.E. SLP(Cr1) No. 3614/2021])

Date : 29-06-2021 These petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SANJAY KISHAN KAUL
HON'BLE MR. JUSTICE KRISHNA MURARI

For Petitioner(s) Mr. Jayant Bhushan, Sr. Adv.
Mr. Parthiv K. Goswami, Adv.
Mr. Rahul Pratap, AOR
Ms. Palak Mahajan, Adv.

For Respondent(s)

UPON hearing the counsel the Court made the following

O R D E R

We have heard learned senior counsel for the petitioner and brought to his notice that the stage of the contempt proceedings is of framing of charge and thus, we would not like to interfere at this stage in exercise of jurisdiction under Article 136 of the Constitution of India.

Learned senior counsel submits that as per his instructions, an extra floor was constructed but that has been demolished and the remaining additional construction is compoundable. If that be the position, in our view, it is for the petitioner to point this out to the Court as there can be no quibble with the proposition that compoundable deviation may be compounded according to norms on payment of charges.

Learned counsel also points out that his appeal before the appellate authority has been dismissed merely on account of that fact that the matter is pending before the High Court.

If that be the position, the High Court would be required to examine the contention of the petitioner whether he has actually removed the unauthorised construction and the remaining construction is compoundable or not.

It is always open to the petitioner to challenge the appeal order before the High Court which can then be tagged and heard along with the contempt.

The Special Leave Petitions are dismissed in the aforesaid terms.

Pending applications stand disposed of.

[ASHA SUNDRIYAL]
ASTT. REGISTRAR-cum-PS

[POONAM VAID]
COURT MASTER (NSH)