

Court No. - 4

Case :- CONTEMPT APPLICATION (CIVIL) No. - 2525 of 2017

Applicant :- Ram Karan Yadav

Opposite Party :- Shri R.K. Tiwari Prin. Secy. Tax And Registration And Others

Counsel for Applicant :- Harish Chandra Yadav, Janardan Prasad, Ram Prasad Dwivedi

Hon'ble Rajesh Singh Chauhan, J.

1. Heard learned counsel for the petitioner and Sri Manish Kumar, learned Standing Counsel.

2. Learned Standing Counsel has drawn attention of this Court towards order of Writ Court dated 17.01.2017 passed in Misc. Bench No. 11743 of 2014 which reads as under:

"The petitioner has assailed the order dated 03.11.2014 passed by Collector/District Magistrate, Shravasti, whereby the petitioner's representation claiming refund of the amount deposited by him during pendency of the appeal before the Chief Controlling Revenue Authority has been rejected on the ground that against the order dated 13.06.2014 passed by the Chief Controlling Revenue Authority one writ petition bearing Writ Petition No.6907(MS) of 2014 is pending consideration whereas we are informed that the said writ petition has been filed by the State challenging the order passed by the Chief Controlling Revenue Authority but till date the concerned Court has not been pleased to grant any stay order against the order passed by the authority concerned. The Chief Controlling Revenue Authority vide order dated 13.06.2014 passed in Stamp Appeal No.53 of 2009-10 allowed the stamp appeal and set-aside the order dated 27.07.2009 passed by the District Magistrate/Collector, Shravasti in Stamp Case No.8724/04/01/143/1 (State v. Ram Karan Yadav) with observation that amount, if any, deposited by the appellant (petitioner herein) during the pendency of the appeal be refunded. Despite the direction issued by the Chief Controlling Revenue Authority the Collector/District Magistrate, Shravasti, has declined to refund the same on account of pendency of the writ petition. Admittedly, since the State [petitioner in W.P.No.6907 (MS) of 2014] has not been able to get any stay order in its favour, we are of the view that mere pendency of the writ petition may not be a ground to withhold the petitioner's amount for indefinite period.

In the result, we hereby quash the order dated 13.11.2014 passed by the Collector/District Magistrate, Shravasti, and direct for refund of the amount.

The writ petition is accordingly allowed."

3. Learned Standing Counsel has further submitted that however the Writ Court had directed to refund the amount to the petitioner but opposite party concerned has not only refunded the amount but also paid the interest at the rate of 8 per cent.

4. Learned counsel for the petitioner has submitted that however the amount in question has been refunded to the petitioner but the interest has not been paid properly to the

petitioner. He has also stated that the petitioner should have been given the interest at the rate of 18 per cent, as that prayer has been made in the writ petition.

5. Be that as it may, whatever the prayer has been made in the writ petition, the Contempt Court is confined to the direction being issued by the Writ Court and direction of the Writ Court was that to refund the amount to the petitioner. Admittedly, the amount in question has been refunded to the petitioner and he has been paid the interest @ 8%, therefore, nothing survives to be adjudicated in the present contempt petition.

6. Accordingly, the contempt petition is ***dismissed***.

7. Notices are discharged.

8. However, it is always open for the petitioner to raise his claim in respect of interest before the appropriate Court of law, if he is still feeling aggrieved.

[Rajesh Singh Chauhan,J.]

Order Date :- 12.10.2023

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