



<u>Serial No. 02</u> <u>Supplementary List</u>

HIGH COURT OF MEGHALAYA
AT SHILLONG

Cont.Cas(C) No. 21 of 2024

Date of Decision: 18.07.2025

M/s Meghalaya Feed Products
 Near CRPF Group Centre, 9th Mile Baridua, Amerigog,
 District-Ri-Bhoi, Meghalaya-781023
 Having its Administrative Office at Prakash Tower,
 1st Floor, Opp. Pallavi Motors, G.S. Road, Guwahati-5, Assam
 Represented through its Partner Shri Ram Awatar Agarwalla,
 R/o 19, Arunodoi Path, Prakash Kunj, Narayan Nagar,
 Kumar Para, Guwahati-9, Assam

... **Petitioner(s)**

- **Versus** -

1. Rajesh Kumar Singh,
 Secretary, Department for Promotion of Industry
 and Internal Trade, Ministry of Commerce and Industry
 Govt. of India, Udyog Bhawan New Delhi-110011

2. Balamurugan D
 Joint Secretary, Department for Promotion of Industry
 and Internal Trade, Ministry of Commerce and Industry
 Govt. of India, Udyog Bhawan New Delhi-110011

3. Dr. Kajal,
 Director, Department for Promotion of Industry
 and Internal Trade, Ministry of Commerce and Industry
 Govt. of India, Udyog Bhawan New Delhi-110011

4. Ganesh H. Nikhare,
 Under Secretary to the Govt. of India,
 Department for Promotion of Industry
 and Internal Trade, Ministry of Commerce and Industry
 Govt. of India, Udyog Bhawan New Delhi-110011

.... **Respondent(s)**



Coram:

Hon'ble Mr. Justice H. S. Thangkhiew, Judge

Appearance:

For the Petitioner(s) : Dr. B.P. Todi, Sr. Adv. with
Mr. P. Das, Adv.
Mr. K.P. Bhattacharjee, Adv.

For the Respondent(s) : Dr. N. Mozika, DSGI with
Ms. M. Myrchiang, Adv.

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| i) | Whether approved for reporting in
Law journals etc.: | Yes/No |
| ii) | Whether approved for publication
in press: | Yes/No |
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JUDGMENT AND ORDER

1. The petitioner by way of the instant application under Section 11 and 12 of the Contempt of Courts Act, 1971 read with Article 215 of the Constitution of India, has alleged violation of the Judgment and Order dated 13.10.2023 passed by this Court in MC (WA) No. 43/2023 in WA No. 41/2023 and MC (WA) No. 44/2023 in WA No. 42/2023 and order dated 20.12.2023 passed in MC (WA) No. 56/2023 and MC (WA) No. 59/2023.

2. The brief facts are that the petitioner was the beneficiary of a Transport Subsidy Scheme of the Government of India, which granted subsidy for the transport of raw materials and finished goods to and from



designated areas with the objective of promoting industrial growth. The State of Meghalaya falls under the designated 'Area A' of the Scheme, wherein the petitioner operates an industrial unit. In the course of business, the petitioner was granted subsidies against its claims and on the non-payment of transport subsidy for two quarters i.e. 01.10.2008 to 31.12.2008 and 01.01.2009 to 31.03.2009, the writ petitioner had instituted writ petitions before this Court in 2019, followed by other writ petitions. Without further dwelling into the details of the earlier orders passed, the Judgment dated 13.10.2023, which is relevant, and alleged to have been violated, passed by the Division Bench of this Court, had directed the respondents to re-verify the rejected portions of the claims by calling for necessary documents and evidence from the petitioner. The order also specifically stated that the re-verification should be rational and meaningful, to be completed within 8 weeks, and if any part of the claim was to be rejected, cogent reasons were to be given. The petitioner's case is that this direction has been violated, and as such proceedings under the Contempt of Courts Act are to be initiated against the respondents.

3. Dr. B.P Todi, learned Senior counsel assisted by Mr. P. Das, learned counsel for the petitioner company has submitted that as per Para-13 of the Judgment dated 13.10.2023, the respondents were directed



to verify the rejected parts of the claims for the two periods by calling for documents and other evidence from the appellant and that if any part of the claims was to be declined, cogent reasons for such rejections were to be furnished. It is submitted that the respondent No. 4 after considerable delay had sent a letter dated 05.02.2024, fixing a virtual meeting on 12.02.2024 but in the said meeting, the rejected parts in detail with regard to the dates of the bills of the claims was not informed to the petitioner, added with the fact that it was not possible to verify documents and to produce evidence by virtual mode. It is further submitted that on a request by the petitioner the respondents fixed an in person meeting on 22.02.2024, and instructed the petitioner to attend the meeting with detailed documents in order to assess the eligibility of the claims.

4. Learned Senior counsel submits that in the meeting, the petitioner sought details about the rejected part of the claims which was however, not specified by the respondents. It is then submitted that further requests were made for specification of the details but however, the respondents by order dated 28.03.2024, rejected the claim of the petitioner in total violation of the order dated 13.10.2023 passed by this Court. Learned Senior submits that a clear case of contempt has been made out and the contemnors should be punished in accordance with law.



5. Dr. N. Mozika, learned DSGI assisted by Ms. M. Myrchiang, learned counsel for the respondents in reply, has submitted that for the claim periods in question, in the in-person meeting held on 22.02.2024, details were sought from the petitioner by calling for documents and other evidence, while giving the petitioner reasonable opportunity to submit the same as supporting evidence, to re-verify the rejected part of the claims for the two periods in compliance with the order dated 13.10.2023. The petitioner it is submitted however, failed to produce documents and other details, or any evidence to verify the rejected part of the claims, and were given another opportunity which was communicated by a letter dated 26.02.2024, calling upon the petitioner to submit the required documents and supporting evidence by 29.02.2024. The petitioner he submits, instead of sending the required documents, sent an e-mail dated 29.02.2024, alleging deliberate and willful intention of the respondents not to comply with the order dated 13.10.2023.

6. Therefore, in these circumstances he submits in compliance with the order of this Court dated 13.10.2023, the Department issued the speaking order dated 20.03.2024, in consideration of the fact that the petitioner company had not complied in a time bound manner as directed by the Court, and had failed to submit the required documents and



supporting evidence as per the Transport Subsidy Scheme to enable the respondents to reconsider the claims. The onus he submits being squarely on the petitioner, the allegation of violation of the order of this Court is misplaced, and this contempt application is liable to be dismissed.

7. Having heard learned counsel for the parties, considering the confines of contempt jurisdiction, this Court is only to examine as to whether there has been any willful violation of the Judgment dated 13.10.2023, that would tantamount to the contempt of this Court's order. It is noted that the Judgment dated 13.10.2023 had directed the respondents to re-verify the rejected parts of the claims for the two periods by calling for documents and other evidence from the appellant. For the sake of convenience Para-13 of the Judgment dated 13.10.2023, wherein the aforementioned directions are contained is reproduced hereinbelow: -

“13. Accordingly, the appeals are disposed of and the orders impugned are modified by directing the respondents to re-verify the rejected parts of the claims for the two periods by calling for documents and other evidence from the appellant. A rational and meaningful verification should be conducted by the Union and the entire exercise completed within eight weeks from date. In the event any part of the claim is to be declined, cogent reasons for such rejection should be furnished. Needless to say, that the interest awarded in terms of the Supreme Court order, as indicated in the Union's order of August 2, 2019, will apply if any part of the balance claim is allowed.”



8. A perusal of the above noted directions shows that this Court had specifically while directing the respondents to verify the rejected parts of the claims, had also provided that documents and other evidence be called from the petitioner, whereafter verification was to be conducted and cogent reason furnished for any rejection. From the materials on record and submissions made, it is seen that the Department had scheduled an in-person meeting on 22.02.2024, vide notice dated 19.02.2024, by calling for documents and other evidence. Thereafter, as the petitioner failed to produce any evidence or documents in the meeting that took place on 22.02.2024, the respondents vide letter 26.02.2024, then granted another opportunity to the petitioner to submit the same by 29.02.2024, which however was replied to by e-mail dated 29.02.2024, alleging that the respondents were in violation of the order dated 13.10.2023. From the sequence of events in the backdrop of the order 13.10.2023, it is noted that the onus was on the petitioner to bring forward the required documents and evidence, which was however not complied with by the petitioner, and as such had resulted in the order dated 20.03.2024.

9. The law of contempt is well settled and in order to hold a party guilty of civil contempt, the disobedience must be willful and the term 'willful' connotes deliberate or intentional defiance. In the present



case, the respondents had initiated the process of re-verification as directed and provided opportunity to the petitioner to present its case, which however could not be completed due to inability of the petitioner to provide the required documents and evidence. As such, it cannot be held that the respondents have willfully disobeyed the directions issued by this Court.

10. In the circumstances therefore, no case has been made out for drawing of contempt proceedings against the respondents and the instant petition stands dismissed.

JUDGE

Meghalaya
18.07.2025
"V. Lyndem-PS"