

**IN THE HIGH COURT OF JAMMU & KASHMIR AND LADAKH**

**ATJAMMU**  
**THROUGH VC**  
**LPA No. 110/2024**

**Shahid Iqbal Choudhary Commissioner**  
**Secretary to Government Rural Development**  
**Department & Ors.**

...Petitioner(s)/Appellant(s)

Through: Mr. S.S. Nanda, Sr. AAG

**Vs.**

**M/S Aditya Tiles & Ors.**

...Respondent(s)

Through: Mr. Jagpaul Singh, Advocate

**CORAM:**

**HON'BLE MR. JUSTICE ATUL SREEDHARAN, JUDGE (through VC)**

**HON'BLE MR. JUSTICE RAJESH SEKHRI, JUDGE**

**ORDER**  
**03.02.2025**

**Per Atul Sreedharan-J (Oral):**

1. The present appeal has been filed by the appellants herein, challenging two orders dated 19.04.2024 and 24.04.2024 passed by the learned Single Judge in CCP(S) No. 101/2021, arising out of WP(C) No. 1971/2020. The order that was sought to be enforced was passed by the learned Single Judge vide order dated 19.12.2020.
2. The learned Writ Court disposed of the petition pending before it by directing the appellants herein to accord consideration to the claim of the petitioner for the release of the withheld payment of Rs. 73,17,456/- (Seventy-Three Lakh, Seventeen Thousand Four Hundred Fifty-Six) which accrued in favour of the respondents herein on account of supply of Interlocking Tiles to the respondents within a period of 08 weeks' from the date of passing of the order by the Writ Court, unless there were any legal impediments.

3. It is relevant to mention here that in the writ petition, the respondents before this Court had prayed for a direction to the appellants herein to release the withheld payment of Rs. 73,17,456/- due to the respondents herein for the supply of Interlocking Tiles and also a second prayer to pay interest @ 18% per annum towards the outstanding amount mentioned hereinabove, till the whole realization of the outstanding amount.

4. Though there was no order passed as far as the interest aspect is concerned, the learned Writ Court did direct the appellants herein to accord consideration to the claim of the respondents herein as already mentioned hereinabove. When the said order was not complied with, the respondents herein filed the aforementioned contempt petition before the learned Single Judge, in which the orders dated 19.04.2024 and 24.04.2024 were passed.

5. Briefly referring to the said orders, it appears that vide order dated 19.04.2024, the compliance report which was filed before the learned Single Judge hearing the contempt petition was produced before the Court but the same was yet to be filed and that the compliance report appeared to be contrary to earlier compliance report filed by the appellants herein and, therefore, a week's time was granted to the learned counsel for the contemnors to file a fresh compliance report strictly in consonance with the judgment passed by the learned Writ Court.

6. Thereafter, on 24.04.2024, the learned Single Judge hearing the contempt case referred to the earlier order dated 19.04.2024, whereby the appellants before this Court were directed to file the compliance

report strictly in terms of the judgment passed by the learned Writ court.

In other words, to consider the release of Rs. 73,17,456/-. Instead of complying with the order of the learned Writ Court, the order dated 24.04.2024 passed in CCP (S) No. 101/2021, reveals that an application was filed in that case by the appellants herein for exemption of the contemnor No. 1-Commissioner/Secretary Rural Development Department and Panchayati Raj, on the ground that he had been deputed as an Election Observer in Mysore. The learned Single Judge hearing the contempt case allowed the application by imposing of cost of Rs. 20,000/- upon the contemnors for not filing the compliance report and gave the liberty to file the compliance report positively by or before the next date of hearing, failing which, the contemnors other than the contemnors 3 & 4 in the contempt petition were directed to remain present before the Contempt Court.

7. These are the two orders that have been challenged before this Court in the present LPA. The said two orders do not transcend the original order passed by the learned Writ Court which was a condition precedent before the appellants could have challenged an order passed by a Court hearing a contempt case. The said orders only reject the compliance report and had directed appellants herein to file a fresh compliance report. Such orders cannot by any stretch of imagination be considered as overreaching or going beyond the order passed by the learned Writ Court.

8. Under the circumstances, this Court holds that the filing of the writ appeal itself was frivolous and was not maintainable and, therefore, the same is dismissed with a cost of Rs. 10,000/- imposed upon the

contemnors which shall be paid to the respondents in this appeal within a period of 10 days from the date of this order, failing which, the respondents shall be at liberty to initiate a fresh contempt proceedings against the appellants herein for the violation of this order passed today.

9. Interim direction, if any, passed earlier shall stand vacated.

**(RAJESH SEKHRI)**  
**JUDGE**

**(ATUL SREEDHARAN)**  
**JUDGE**

**SRINAGAR:**  
**03.02.2025**  
ARIF

