



CNR: KAHC010401662025

NC: 2026:KHC:50161-DB
CCC No. 748 of 2025
C/W CCC No. 749 of 2025
CCC No. 750 of 2025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 15TH DAY OF SEPTEMBER, 2026

PRESENT

THE HON'BLE MR. JUSTICE JAYANT BANERJI

AND

THE HON'BLE MRS. JUSTICE GEETHA K.B.

CIVIL CONTEMPT PETITION NO. 748 OF 2025

C/W

CIVIL CONTEMPT PETITION NO. 749 OF 2025

CIVIL CONTEMPT PETITION NO. 750 OF 2025

BETWEEN:

M/S. R.K.BROTHERS
INFRAPROPPROVENTURES PRIVATE LTD,
REP. BY ITS DIRECTOR,
SRI P.K.SHIVARAM,
S/O LATE KALEGOWDA,
AGED ABOUT 65 YEARS,
R/AT: #860/1, NARAYANA SHASTRI ROAD,
CHAMARAJA MOHALLA,
MYSURU-570 024.

...COMPLAINANT
(COMMON)

(BY SRI LAKAMAPURMATH CHIDANANDAYYA, ADVOCATE)

AND:

1. PRAKASH SRIHARI,
CHIEF ENGINEER,
MINOR IRRIGATION AND GROUND
WATER DEVELOPMENT DIVISION,
IRRIGATION (SOUTH),
BENGALURU-560 001.

Digitally
signed by K G
RENGAMBA

Location:
High Court of
Karnataka



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2. SHRI.SHANKAR.C,
EXECUTIVE ENGINEER,
MINOR IRRIGATION AND GROUND
WATER DEVELOPMENT DIVISION,
MANDYA DIVISION,
MANDYA-571 401.

...ACCUSED
(COMMON)

3. STATE OF KARNATAKA
MINOR IRRIGATION AND
GROUND WATER DEVELOPMENT DIVISION,
BY ITS SECRETARY, 206-207,
VIKASA SOUDHA, BENGALURU-560 001.

...PROFORMA RESPONDENT
(COMMON)

(BY SMT.NAMITHA MAHESH, AGA FOR PROFORMA R3, A1 & A2)

THESE CIVIL CONTEMPT PETITIONS ARE FILED UNDER ARTICLE 215 OF THE CONSTITUTION AND SECTIONS 11 AND 12 OF THE CONTEMPT OF COURTS ACT, 1971, BY THE COMPLAINANT, PRAYING TO SUMMON, PROSECUTE AND PUNISH THE ACCUSED FOR THEIR DELIBERATE AND WILLFUL DISOBEDIENCE OF THE ORDER DATED 14.02.2025 PASSED BY THE LEARNED SINGLE JUDGE OF THIS HON'BLE COURT IN W.P.NO.31140/2024 (GM-RES), W.P.NO.31143/2024 (GM-RES) & W.P.NO.31132/2024 (GM-RES) RESPECTIVELY.

THESE CIVIL CONTEMPT PETITIONS, COMING ON FOR ORDERS, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE JAYANT BANERJI
and
HON'BLE MRS. JUSTICE GEETHA K.B.

ORAL ORDER

(PER: HON'BLE MR. JUSTICE JAYANT BANERJI)

Heard learned Counsel for the complainant and learned Additional Government Advocate for the accused. These petitions are filed alleging wilful disobedience of the order dated 14.02.2025 passed by the learned Single Judge in



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W.P.No.31140/2024, W.P.No.31143/2024 and
W.P.No.31132/2024 respectively. The order of the learned
Single Judge dated 14.02.2025 reads as follows:

"COMMON ORAL ORDER

The petitioner is aggrieved of the nonpayment of dues to the petitioner for the works undertaken and completed by the petitioner for the respondents.

2. The attention of this Court was drawn to work completion certificate at Annexure 'L', which clearly shows that the works were completed in all respects on 04.12.2023, a certificate issued by the Executive Engineer-respondent No.3.

3. However, learned AGA submits on instructions that the bills along with recommendation for payment has been followed by respondent No.3 to the concerned and the payment will be made as soon as possible.

4. Learned counsel for the petitioner submits that in terms of clause 37.1 of the Contract, the employer is required to pay the contractor within 60 days of submission of the bills. It is more than a year and two months after bills have been submitted.

5. In view of the above, writ petition is disposed of with a specific direction to respondent Nos.2 and 3 to pay the bills raised by the petitioner in terms of Annexure 'M' together with the applicable interest, within six weeks from the date of receipt of copy of this order, failing which, petitioner will be permitted to proceed against respondent Nos.2 and 3 for willful disobedience of the orders passed by this Court."

2. Three affidavits have been filed today in Court by the learned Additional Government Advocate in the above cases, which are taken on record. The affidavits are of Imran Khan, the Executive Engineer of the Minor Irrigation and Ground Water Development Division, Mandya Division, Mandya.

3. In paragraph No.5 of the affidavits, it is stated that the full claim amount of Rs.411.85 lakhs, Rs.1180.46 (lakhs)



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and Rs.1011.08 lakhs payable to the complainant in terms of the claim raised in W.P.No.31140/2024, W.P.No.31143/2024 and W.P.No.31132/2024 as per the terms of the Tender contract and the bills raised by the complainant, have been paid. It has further been submitted that there is no provision in the contract for payment of interest on delayed payments. Any dispute with respect to payment of interest is an arbitrable dispute as per the arbitration clause specified in Clause 24 General and Clause 4-F - Special conditions of contract. The provisions have been quoted therein.

4. It has further been stated in paragraph No.6 that the learned Single Judge had directed to pay the bill amount along with applicable interest without any rate of interest being specified. In the absence of any contractual term for payment of interest on later payment, in terms of the tender contract and with no specific direction by the Court regarding rate of interest to be paid, non-payment of interest may not amount to wilful disobedience of the order of Court.

5. Learned Counsel for the complainant, however, has stated that the transaction being commercial in nature, interest at the rate of 12% ought to have been paid.



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6. We are unable to agree. Given the direction of the learned Single Judge and the inability expressed by the accused regarding payment of interest, without there being either any admitted rate of interest or any contractual or statutory rate of interest applicable in the facts and circumstances of the instant cases, it cannot be said that there is a wilful disobedience of the order of this Court.

7. Given the fact that it is admitted that the entire amount of bills raised by the complainant has been paid, we do not see any reason of proceeding further with the contempt petitions. The contempt cases are accordingly consigned.

8. This order will however not come in the way of the complainant seeking its remedy before the appropriate forum in accordance with law.

Sd/-
(JAYANT BANERJI)
JUDGE

Sd/-
(GEETHA K.B.)
JUDGE