



IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL

Contempt Petition No. 213 of 2026

M/s Ram Krishna Jayara. Petitioner.
Versus
Shri Sanjay Kumar Pathak & others. Respondents.

Present:

Mr. Jitendra Chaudhary, learned counsel for the petitioner.

Mr. S.S. Chauhan, learned counsel for the respondent/URRDA.

Hon'ble Mr. Justice Rakesh Thapliyal, J.

1. This contempt petition is moved by the petitioner – M/s Ram Krishna Jayara, for initiating the contempt proceedings and to punish the respondent/contemnor for willful disobedience of the judgment and order dated 26.02.2026, passed in WPMB No.534 of 2024, “M/s Ram Krishna Jayara Vs. State of Uttarakhand and others”.

2. In the writ petition, the petitioner prayed for the following relief:-

“(i) Issue a writ, order or direction in the nature of certiorari, calling for the original record and pleased to quash the impugned technical bid rejection order dated 07.11.2024 (Annexure-2) passed by the respondent no.3 through its Bid Accepting Authority against the petitioner and declare him as successful bidder in Part-1 Technical bid round in respect to the tender inviting notice (NIT) No. 37/2023-24 dated 02.03.2024 pertains to the work order mentioned at serial no. 98 { MRL-17---- Delhi Yumnortri Road to Kandari MR (BC with waste plastic) XXIII/2023-24 Batch-1, Package No. UT-13-103.

(ii) Issue a writ order or direction in the nature of mandamus, directing and commanding the respondents to the extent that firstly they shall declare the petitioner as successful candidate/tenderer at technical stage-I and include his name in the list of successful bidders at technical State-1 and then proceed with the financial bid proceeding (financial Stage-II) in

respect to the tender inviting notice (NIT) No. 37/2023-24 dated 02.03.2024 and thereafter award the work contract in favour of the lowest bidder in respect to the tender inviting notice dated 02.03.2024 pertains to work order mentioned at serial no. 4 pertains to the work order mentioned at serial no. 98 (MRL-17---Delhi Yumunotri Road to Kandari MR (BC with based plastic), XXIII/2023-24 Batch-1, Package No. UT13-10)."

3. After exchange of the pleadings, the writ petition was allowed on 26.02.2026, the operative part of which is as under:-

"Accordingly, the writ petition succeeds and is allowed. The respondents are directed to include the bid of the petitioner-firm in the financial round and proceed, in accordance with law."

4. Due to non-compliance of the order of Writ Court instant contempt petition is moved, in which, the following charge was framed against the respondent/contemnor on 14.05.2026, which reads as under:-

"Whether the action of the respondent/contemnor for not opening the financial bid on the scheduled date amounts to contempt of Court and what action can be taken on willfully disobeying the order of the writ court."

5. In response to the charge, the respondent/contemnor filed response and take a plea that the other bidders who were declared successful in the technical round refused to extend their bid validity period, therefore, there is no need to comply with the judgment passed by the writ court.

6. The matter was heard at length and the judgment was reserved on 31.07.2026.

7. Thereafter, by order dated 15.07.2026, this Court hold the respondent/contemnor to be guilty of willful disobedience of the

judgment and order dated 26.02.2026 passed in WPMB No.534 of 2024, "M/s Ram Krishan Jayara Vs. State of Uttarakhand and others", by holding that the act of respondent/contemnor to put the process of financial bid on hold due to subsequent development that the other bidders refused to extend their bid validity period, is an afterthought and self creation of such a situation by the respondent/contemnor with some oblique motive. The operative part of the order read as under:-

"15. After considering the rival submissions of the learned counsel for the parties and in view of the discussion as above, this Court finds that the respondent/contemnor are guilty of wilful disobedience of the order of the Writ Court dated 26.02.2026 passed in WPMB No. 534 of 2024, M/s Ram Krishan Jayara vs. State of Uttarakhand and others. The attempt of the respondent/contemnor to put the process of financial bid on hold on the plea that the other bidders have refused to extend their bid validity period and the petitioner is now left out to be a single bidder therefore his financial bid cannot be opened is nothing but after thought and creation of such a situation by the respondent/contemnor and this Court comes to the conclusion that with some oblique motive the respondent/contemnor are making an attempt to circumvent the order of the Writ Court.

16. In such view of the matter, following directions are being issued:-

The respondents are directed to strictly comply the order of the Writ Court dated 26.02.2026 passed in WPMB No. 534 of 2024, M/s Ram Krishan Jayara vs. State of Uttarakhand and others within ten days from today and submit compliance report on the next date.

If the respondents fail to comply the directions as aforesaid within the stipulated period as above, the respondent/contemnor shall appear personally before this Court on the next date fixed to receive sentence under the provision of Contempt of Courts Act 1971."

8. Now, an affidavit of compliance has been filed by the respondent/contemnor Sri Sanjay Kumar Pathak, Chief Engineer,

Uttarakhand Rural Roads Development Agency (in short "URRDA") by contending, therein, that the order of the writ court has now been duly complied with and the necessary steps for awarding the contract to the L1 (lowest bidder) are being acted upon in accordance with law. In paragraph 3 of compliance affidavit, it is further contended that there was never any intention, deliberate design or willful disregard on the part of the respondent/contemnor for disobeying the order of the writ court and the delay so occurred in order to comply with the directions of the writ court was wholly unintentional and arose on account of certain technical and procedural difficulties which have now been resolved. It is further contended in the affidavit of compliance that the delay in complying with the order of the writ court was not deliberate and it was never the intention of the deponent to disrespect to the order of the writ court and also tenders unconditional apology for delay in complying with the order of the writ court, since the delay only due to certain subsequent events which arose after passing of the order of the writ court and prayed that the contempt proceedings be dropped, and he be exonerated from the charges.

9. Today, Mr. S.S. Chauhan, learned counsel for the respondent/contemnor placed before this Court a "letter of acceptance" dated 30.07.2026, issued by the Superintendent Engineer, URRDA, and submits that since now there is full compliance of the order of the writ court, therefore, the contempt proceedings be closed.

10. The reasons as given in the compliance affidavit filed by the respondent/contemnor that there was some technical flaw in complying with the order of the writ court is not acceptable for the simple reason that this Court already by its order dated 15.07.2026, hold the respondent/contemnor to be guilty for

willful disobedience of the order of the writ court dated 26.02.2026, passed in WPMB No.534 of 2024, "M/s Ram Krishna Jayara Vs. State of Uttarakhand and others", and also held that an attempt of respondent/contemnor to put the process of financial bid on hold on the ground of some technical flaw that the other bidders refused to extend their bid validity period is nothing but an afterthought and self creation with some oblique motive in order to circumvent the order of the writ court, therefore, the excuses as given in the compliance affidavit is not acceptable and is out rightly rejected.

11. No doubt while passing the order on 15.07.2026, an opportunity was given to the respondent/contemnor to comply with the order of the writ court, and now the order has been complied with and the primary object of civil contempt jurisdiction is to secure the enforcement of judicial orders and not to vindicate judicial ego or to punish the respondent/contemnor blindly.

12. Admittedly, this Court in its order dated 15.07.2026, hold the respondent/contemnor to be the guilty for disobeying the order of writ court dated 26.02.2026, and deferred sentence by granting a final opportunity to comply with the order while holding the respondent/contemnor to be a guilty for contempt. This Court also observed that the subsequent event as developed for giving an excuse that there is no need to comply with the order of the writ court is nothing but a self creation of the subsequent events in order to circumvent the order of the writ court, and though the respondent/contemnor has now filed an affidavit of compliance but the findings to the extent for holding the respondent/contemnor to be the guilty under contempt is not disturbed.

13. It is a settled principle that once the compliance is complete the Court retains the discretion to waive the sentence after a formal finding of guilt.

14. Thus, in view of the discussion as above, the previous order dated 15.07.2026, passed in the contempt petition holding the respondent/contemnor to be guilty of willful contempt is hereby confirmed by refraining this Court to impose any sentence or fine on the respondent/contemnor, however, the respondent/contemnor is cautioned to strictly comply with the judicial verdicts, and to give due regard, in future, to avoid severe punitive action.

15. Subject to the observation as above, the instant contempt petition stands disposed of. Notice is discharged.

16. The copy of this order is forwarded to the Chief Secretary to place on the service record of the respondent contemnor.

(Rakesh Thapliyal, J.)

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