

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

**CONTEMPT PETITION NO.44 OF 2013
IN
PUBLIC INTEREST LITIGATION NO.11 OF 2012**

Adv. Srikant Padhi	... Petitioner
Versus	
Shri Veerapa Moily, Minister of Petroleum & Natural Gas and another.	... Respondents

Mr. Ashish Mehta for the petitioner.
Dr. Milind Sathe, Senior Advocate i/by M/s. A.S.Dayal & Associates for orig. respondent Nos.1,2 and 3 in PIL No.111 of 2012.
Mr. Anil Singh, Additional Solicitor General with Mr. Rui A. Rodrigues and Mr. Ketan Gala for respondent No.1.

**CORAM : MOHIT S. SHAH, C.J. &
B.P. COLABAWALLA, J.**

January 15, 2015

P. C.

The petitioner herein has filed this contempt petition against respondent No.1 (then Minister for Petroleum, Government of India) and respondent No.2 (Secretary to the Government of India, Ministry of Petroleum and Natural Gas) for alleged willful disobedience of order dated 12 January 2012 of this Court in PIL No.111 of 2012 which was previously lodged with PIL Lodging No.77 of 2011.

2. The petitioner had in the above numbered PIL prayed for certain directions in respect of the Production Sharing Contracts in respect of Krishna Godavari Basin (K.G. Basin KG-DWN-98/3) on the basis of the report of Comptroller and Auditor General (CAG).

3. After hearing the learned counsel for the parties, this Court dismissed the PIL as premature for the reasons indicated in the said judgment, without going into the question of maintainability of the petition.

4. While dismissing the petition on the ground that under the contract, Reliance Industries Limited had time to submit its reply to the objections raised by the Government of India on the basis of the CAG report, this Court directed the Government of India to finally dispose of the CAG report after considering the reply of Reliance Industries Limited on/or before 31 December 2012

5. It is contended in the present contempt petition that since the Government of India has not finally disposed of the said CAG report by 31 December 2012, the respondents have committed contempt of this Court.

6. In the first place, it needs to be noted that respondent No.1, who was Petroleum Minister at the relevant time, no longer hold the said office. Secondly, it has been

pointed out in the affidavits-in-reply filed by respondent No.2, Secretary in the Ministry of Petroleum and Natural Gas that the Government of India has taken the following action on the basis of the CAG report in question:-

(i) In view of the CAG report, Government of India has issued order disallowing costs recovery for the years 2010-11, 2011-12 on 2 May 2012 and thereafter also disallowed cost recovery for the year 2012-13 on 14 November 2013.

(ii) In view of the CAG report, the Government of India asked the Reliance Industries Limited on 30 October 2013 for relinquishment of 6198.88 sq.km area out of the 7645 sq.km. area of KG-DWN-98/3 and that Reliance Industries Limited has relinquished the said area without prejudice to its rights and contentions.

In view of the above, it cannot be said that the Government of India has not taken any action on the basis of the CAG report.

7. Secondly, it is required to be noted that the CAG report is submitted to Parliament and the same is presently under scrutiny of Public Accounts Committee of Parliament. Hence, the CAG report is not pending with the Government of

India in the Petroleum and Natural Gas Ministry. Under the circumstances, respondent No.2 cannot be said to have committed any wilful disobedience of the order of this Court passed on 12 January 2012.

8. Thirdly, it is also required to be noted that when the matter is pending before the Public Accounts Committee appointed by Parliament, the provisions of Article 122 read with Article 105 of the Constitution of India would apply.

Article 122 provides that the Courts shall not enquire into the proceedings of Parliament. It is specifically provided that The validity of any proceedings in Parliament shall not be called in question on the ground of any alleged irregularity of procedure and that no officer or member of Parliament in whom powers are vested by or under this Constitution for regulating procedure or the conduct of business, or for maintaining order, in Parliament shall be subject to the jurisdiction of any court in respect of the exercise by him of those powers.

Clause (2) of Article 105 provides that no member of parliament shall be liable for any proceeding in any Court in respect of anything said or any vote given by him in Parliament or any committee thereof, and no person shall be so liable in respect of the publication by or under the authority of either House of Parliament of any report, paper, votes or proceedings.

9. On conjoint reading of the aforesaid provisions of the Constitution, this Court would not be justified in holding respondent No.2, Secretary to the Government of India, Ministry of Petroleum and Natural Gas or respondent No.1, for the time being taken by the Public Accounts Committee in making the scrutiny of CAG report pending before the said Committee.

10. For the reasons aforesaid, the contempt petition is dismissed.

CHIEF JUSTICE

B.P. COLABAWALLA, J.