

HONOURABLE SRI JUSTICE A.RAJASHEKER REDDY

Contempt Case No. 778 OF 2015

-

-
Between:

-
M/s. Madhava Hytech Engineers Pvt. Ltd.,
Rep. by the Managing Director Mr. K.Dilip,
S/o. Sri K.Madhava Rao, aged 44 years,
Down Town Entertainment Center, NTR Gardens,
NTR Marg, Hyderabad-500063.Petitioner/Petitioner

-

And

-

-

-
Sri V. Krishna, Officer on Special Duty,
Hyderabad Metropolitan Development Authority,
Buddha Purnima Project, #6-1-2/1, Tank Bund
Road, Hussain Sagar, LIC Division Post,
Hyderabad.
... Contemnor/Respondent No.3

-

-

-
Date of Judgment pronounced: 20.07.2015

-

Submitted for Approval:

-

The Hon'ble Sri Justice A.Rajasheker Reddy

-

1. Whether Reporters of Local newspapers
May be allowed to see the Judgments? Yes/No

-

2. Whether the copies of judgment may be
Marked to Law Reporters/Journals Yes/No

-

3. Whether His Lordship wish to see the fair
Copy of the Judgment? Yes/No

HONOURABLE SRI JUSTICE A.RAJASHEKER REDDY

Contempt Case No. 778 OF 2015

-

ORDER :

-

This Contempt Case is filed alleging violation of the orders passed by this Court dated 25.03.2015 in W.P.M.P.No.10364 of 2015 in W.P.No.7855 of 2015 wherein this Court has granted interim stay on condition of the petitioner paying entire arrears of rent in respect of 60% of the area out of 1660 sq.mtrs, which is stated to be handed over to him, within a period of two weeks from that day. On such payment, petitioner shall be continued up to 31.07.2015 and that the petitioner shall also give an undertaking that he will pay the rents regularly and also that he shall vacate and handover vacant possession on 31.07.2015 by clearing all the rents.

Learned counsel for the petitioner submits that the petitioner paid 60% of the rent in respect of the 60% of the area out of 1660 sq.mtrs by way of a cheque for an amount of Rs.81,967/-. In spite of the same, the respondent is not allowing the petitioner to do the business, which is in violation of the orders passed by this Court.

Counter affidavit is filed by the respondent stating that after orders passed by this Court, notice was issued to the petitioner on 04.04.2015 asking the petitioner to pay an amount of Rs.8,52,351/- towards 60% of the licence fee/rent after deducting the above cheque amount of Rs.81,967/- duly enclosing the statement of license fee due up to February, 2015 and further asked the petitioner to pay a sum of Rs.15,69,582/- towards service tax on the 60% amount which is payable to the Government of India. The said notice was returned with an endorsement that 'addressee left'. However, the said information was communicated to the petitioner through e-mail to his e-mail address. Instead of paying the due amount to the respondent, the petitioner got issued an Advocate notice dated 06.04.2015 by making various allegations. In response to the same, the respondent got issued reply notice dated 08.04.2015 through an Advocate informing the petitioner to pay Rs.8,52,351/- and also Rs.15,69,582/- towards service tax. Even after receiving the said reply, the

petitioner has not paid the amount. Hence, the respondent issued notice dated 18.04.2015 asking the petitioner to pay the said amount within 48 hours and contends that the respondent has not violated the orders passed by this Court.

Reply is filed by the petitioner stating that amount of Rs.81,967/- was paid towards 60% of the area out of 1660 sq.mtrs and complied the orders passed by this Court through cheque dated 31.03.2015 and the same was acknowledged by the respondent on 01.04.2015. But the respondent has intimated through their counsel vide a notice dated 08.04.2015 indicating that the dues of rent Rs.8,52,351/- only but not Rs.40.00 lakhs. It is also stated that the respondent has locked the premises and reiterated the contents of the affidavit filed in support of this Contempt Case disputing the counter averments of the respondent.

In this case, the respondent alleged that the petitioner is due an amount of Rs.8,52,351/- and the petitioner contend that he is due only Rs.81,967/-. It is also the case of the respondent that the respondent issued cheque for Rs.3,12,204/- towards part clearance of due amount of Rs.8,52,351/- on 05.06.2015 after filing of this Contempt Case. When the respondent wants to remit it in bank for its encashment, the petitioner gave letter on 08.06.2015 informing the respondent organization not to en-cash the above cheque for Rs.3,12,204/- It is also the case of the respondent that the petitioner has not given any undertaking as ordered by this Court.

In view of the above facts and circumstances, it cannot be said that the respondent has deliberately violated the orders dated 25.03.2015 passed by this Court in W.P.M.P.No.10364 of 2015 in W.P.No.7855 of 2015 and hence, the Contempt Case is liable to be dismissed.

Accordingly, the Contempt Case is dismissed. There shall be no order as to costs. As a sequel thereto, miscellaneous applications,

if any pending in this Contempt Case, shall stand dismissed.

20.07.2015.

KVS

HONOURABLE SRI JUSTICE A.RAJASHEKER REDDY

— — — — —

C.C. No.778 OF 2015

—
—
—
—

-
-
-
-
-

Date: 20-07-2015

KVS

-
-
-
-
-
-
-
-

