

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF
ANDHRA PRADESH

CONTEMPT CASE NO.1681 OF 2014

Between:

Nagarjuna Construction Company Ltd.,
Presently known as NCC Ltd., rep. by its
MV Srinivas Murthy

... Petitioner

and

Principal Secretary, Finance and Planning
(Works and Projects) Department,
Secretariat Building, Hyderabad,
Government of Andhra Pradesh, and others.

... Respondents

DATE OF JUDGMENT PRONOUNCEMENT : 11th AUGUST,
2015

SUBMITTED FOR APPROVAL:

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THE HON'BLE SRI JUSTICE SANJAY KUMAR

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| 1. | Whether Reporters of Local newspapers
may be allowed to see the judgment? | Yes/No |
| 2. | Whether the copies of judgment may be
marked to Law Reporters/Journals | Yes/No |
| 3. | Whether their Lordship wishes to
see the fair copy of the judgment? | Yes/No |

THE HON'BLE SRI JUSTICE SANJAY KUMAR

CONTEMPT CASE NO.1681 OF 2014

ORDER

This contempt case was instituted alleging willful disobedience to the order dated 29.12.2009 passed by this Court in W.P.No.28330 of 2009. By the said order, this Court, while recording that the subject matter was squarely covered by the common order dated 22.10.2009 passed in W.P.No.11269 of 2009 and batch, disposed of the writ petition with following directions:

‘(a) the respondents shall include 1% cess in the estimates for the works which they propose to undertake, if the work continues for or beyond twelve months and involves engagement of 10 workers or more; and

(b) the respondents shall not deduct any amount towards cess, unless the corresponding amount is included in the estimates.’

Counter-affidavits are filed by the respondents stating to the effect that after passing of the aforestated order, no deductions were effected towards cess from the amounts payable to the petitioner as no corresponding amount was included in the estimates. As regards the first direction, the Superintending Engineer, Irrigation and Command Area Development, Indira Sagar LMC Circle, Tuni, stated that there was no on-going work for including the 1% cess in the estimates. In that view of the matter, the order passed by this Court stands duly complied with.

Though Mr.Avinash Desai, learned counsel for the petitioner, contended that a declaration has been given by this Court in the common order dated 22.10.2009 passed in W.P.No.11269 of 2009 and

batch as to the nature and status of the deductions already effected without corresponding inclusion in the estimates, this Court finds that no direction has been given to the respondents by this Court as regards the refund, if any, payable to the petitioner in the context of the deductions already effected.

Unless a specific direction is given, this Court cannot hold that there is any willful disobedience thereto. On facts, this Court therefore finds no reason to exercise contempt jurisdiction in the present case.

The contempt case is accordingly dismissed. This order shall however not preclude the petitioner from taking recourse to appropriate remedies in accordance with law, if it has any grievance as regards the deductions already effected towards labour cess from its bills. Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. No order as to costs.

SANJAY KUMAR, J

11th AUGUST, 2015

PGS