

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No 3319 of 2009

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Vijay Narayan Sao S/O Late Tuk Narayan Sao R/O 24-A, Ashok Puri, Khajpura,
P.S. Shastri Nagar, Distt. Patna

.... Petitioner/s

Versus

1. The State Of Bihar
2. The State Information Commission Through The Chief Information Officer,
Bihar Mr.S Ashok Kumar Choudhary Suchana Bhawan, Bailey Road, Patna
3. Mr. Dr. Sugandh Chaturvedi, the Registrar the State Information Commission,
Bihar, Bailey Road, Patna
4. Mr. Rajesh Krishna Sinha, the Deputy Secretary the State Information
Commission, Bihar, Bailey Road, Patna
5. The Bihar State Electricity Board Through Its Chairman Mr. Swapan Mukherjee
Vidyut Bhawan, Bailey Road, Patna
6. Mr. R.P. Shrivastava, the Secretary Bihar State Electricity Board, Vidyut
Bhawan, Bailey Road, Patna
7. Mr. Akhileshwar Prasad, the Finance Controller-I Bihar State Electricity Board,
Vidyut Bhawan, Bailey Road, Patna
8. Mr. Arun Kumar Sinha, The Information Officer-Cum-Joint Secretary Bihar
State Electricity Board, Vidyut Bhawan, Bailey Road, Patna
9. Mr. Arun Kumar Pathak, the General Manager cum Chief Engineer Bhagalpur
Electric Supply Area Board, Bhagalpur
10. Mr. Parmanand Bihari, the Deputy Director (Personnel) Bhagalpur Electric
Supply Area Electricity Board, Bhagalpur

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr Bajarangi Lal, Advocate

For the State : M/s A K Ojha & A K Karna, Advocates

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CORAM: HON'BLE MR JUSTICE NAVANITI PRASAD SINGH

ORAL JUDGMENT

Date: 26-08-2016

A show cause has been filed on behalf of the opposite parties stating that on or about 08.08.2016, a cheque of Rs 22,750/- has been issued to the petitioner in compliance of orders of the Writ Court which the petitioner does not dispute.

The order of the Writ Court was dated 06.07.2009



which has now been complied after the contempt proceedings have been pending for over seven years. All along, petitioner had been deprived with money which was not paid to him in spite of orders of this Court passed on 06.07.2009. It is only when this contempt application was finally taken up, this payment was tendered on 08th of August 2016, seven years later. This is in spite of the fact that the Information Commission itself had directed refund of the money vide order dated 08.03.2010. He must, therefore, be entitled to interest. Secondly, he submits that in the show cause, it is stated that this refund to the petitioner would be subject to final orders of the Information Commission.

So far as first issue is concerned, it is evident that the opposite parties are clearly in contempt. The Writ Court's order was of 06.07.2009 and that of the Information Commission was of the year 2010 wherein the proceedings were dropped. In spite of this, it took the opposite parties seven years to make the refund. This is nothing but contempt.

In order to purge contempt, I direct that from 01.01.2010 upto the date of payment, petitioner would be entitled to interest at the rate of 6% per annum on the said amount which itself would be payable within one week from today failing which the General Manager –cum- Chief Engineer (HR & Administration) of the South

Bihar Power Distribution Company Limited would be personally in Court to answer Rule of Contempt notwithstanding disposal of this application.

So far as the second issue is concerned, learned counsel for the opposite parties states that that is a misstatement in the show cause as the Information Commission itself has cancelled the order way back in 2010. This payment is not subject to any further order of the Information Commission.

In view of the aforesaid, with the direction to purge contempt as aforesaid, this application stands disposed of.

(Navaniti Prasad Singh, J)

M.E.H./-

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