

HIGH COURT OF CHHATTISGARH, BILASPUR

Contempt Case (C) No.99 of 2016

Nanki Prasad, son of Shri Gokul Prasad, aged about 54 years, resident of Village Moddak, Police Station Jaigarpur, Post Office Maldah, District Janjgir Champa, Chhattisgarh

---Petitioner

versus

1. Shri Sanjeev Kumar, General Manager (P&A) SECL, Seepat Road, Sarkanda, PB – 60, Thana Sarkanda, Bilaspur, Chhattisgarh
2. Shri Om Prakash, Chairman-cum-Managing Director, South Eastern Coal Fields Ltd., a company duly registered under the provisions of the Companies Act, 1956 Seepat Road, P.B. - 60, Thana Sarkanda, Bilaspur, Chhattisgarh

---- Respondents

For Petitioner	:	Shri Amrito Das, Advocate
For Respondents	:	Shri Raj Kumar Gupta, Advocate

Hon'ble Shri Deepak Gupta, Chief Justice

Order on Board

17/6/2016

1. By means of this contempt case, the Petitioner prays for institution of contempt proceedings against the Respondents on the ground that the Respondents/Contemnors have not complied with the judgment passed by this Court in Writ Petition (S) No.1327 of 2013. The relevant portion of the judgment reads as follows:

“7. If that be the correct position, the order dated 28.1.2013 ex facie is not sustainable to the extent it fails to take into consideration the relevant materials in the decision making process. The order in its present form is therefore not sustainable and is set aside.

8. The Respondent - SECL is directed to take a fresh decision in the matter in accordance with law on basis of materials forwarded to it by the BCCL dated 28/29.9.2011 and 18.10.2012 within a maximum period of four weeks from the date of receipt and/or presentation of a copy of this order.

9. Needless to state that if the Respondent - SECL proposes to pass an order adverse to the Petitioner, it is required to pass a reasoned and speaking order. Conversely, if it finds substance in the contention of the Petitioner, it is expected that necessary appropriate orders shall also be passed simultaneously on all consequential aspects.”

2. A perusal of the said judgment shows that though the order passed by the Respondents on 28.1.2013 was set aside, liberty was reserved to the Respondents/South Eastern Coalfields Limited (SECL) to take a fresh decision in the matter in accordance with law after considering the material forwarded to it by the Bharat Coking Coal Limited (BCCL) within four weeks from the date of receipt of a copy of the judgment of this Court.

3. Next portion of the judgment directed that the order to be passed should be a speaking order and should give reasons. Thereafter, an order has been passed on 6.10.2015 and the order is speaking and reasoned. This Court is not going into the merits of the said order. This Court is not dealing whether the order is correct or not, but, this order is a speaking order and takes into consideration the material sent by the BCCL. The SECL may not have agreed with the material sent by the BCCL, but that does not mean that the order of the Court has not been complied with. There is no willful disobedience of the order of this Court.

4. Therefore, I find no merit in the contempt case. It is accordingly dismissed. However, it is made clear that if the Petitioner is otherwise aggrieved by order dated 6.10.2015, he can avail the remedies available under the law.

Sd/-
(Deepak Gupta)
CHIEF JUSTICE