

HIGH COURT OF CHHATTISGARH, BILASPUR**CONT No. 39 of 2016**

1. Gayatri - GDC - Joint Venture Through Its Authorized Signatory Shri Rajesh Agrawal, S/o Shri P. R. Agrawal, Aged About 49 Years, R/o Aishwarya Residency, Telibandha, Police Station Telibandha, Raipur (Chhattisgarh)
2. Rajesh Agrawal S/o Shri P. R. Agrawal, Aged About 49 Years Authorized Signatory Of Gayatri G D C Joint Venture, R/o Aishwarya Residency, Telibandha, Police Station Telibandha, Raipur Civil And Revenue District Raipur (Chhattisgarh)

---- **Petitioner**

Versus

1. Shri D.K. Agrawal Chief Engineer, A D B / Public Works Department, Raipur
2. Shri R. K. Goel, Chief Engineer, Public Works Department, Ambikapur, District Sarguja (Chhattisgarh)

---- **Respondent**

For Petitioners : Shri B.P. Sharma with Shri Manay Thakur, Advocates.

Hon'ble Shri Justice Prashant Kumar Mishra
Hon'ble Shri Justice P. Sam Koshy

Order On Board

25/02/2016

1. In WPC No.775/2014, the petitioners had prayed for a direction to the respondents to make complete payment of final bills which were presented before the respondents after completion of the work.

2. The Writ Petition was disposed of on 23rd April, 2014 directing the respondents therein to consider the petitioners' representation within a period of 2 months from the date of submission. The petitioners preferred such representation on 6.5.2014 and thereafter reminders were sent, however, when the representation remained undecided, the present contempt petition has been preferred for initiating contempt proceeding under Section 12 of the Contempt of Courts Act read with Article 215 of the Constitution of India.
3. When confronted as to how this Court could entertain a contempt petition preferred one year after the date of accrual of cause of action, Shri Sharma, learned counsel for the petitioners would submit that it is a case of recurring cause of action, therefore, the contempt petition is maintainable.
4. Under Section 20 of the Contempt of Courts Act, a contempt petition is to be preferred within a period of one year from the date of accrual of cause of action.
5. In the case at hand, the petitioners preferred a representation on 6.5.2014, therefore, the respondents were obliged to decide the representation within 2 months thereafter. Cause of action for preferring contempt petition accrued for the first time on completion of period of 2 months from 6.5.2014, therefore, this contempt petition should have been preferred within one year from 6.7.2014. Thus,

contempt petition is apparently barred by limitation. Mere submission or sending of reminders for deciding the representation would not extend the statutory period of limitation nor it is a case of accrual of recurring cause of action because specific time limit was mentioned in the order passed by this Court, therefore, cause of action accrued immediately on completion of the period mentioned in the order.

6. For the foregoing, this Contempt Petition is dismissed as barred by limitation.

Sd/-
J U D G E
(Prashant Kumar Mishra)

Sd/-
J U D G E
(P. Sam Koshy)

Barve