

THE HON'BLE SRI JUSTICE SURESH KUMAR KAIT

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C.C.NO.1543 OF 2016

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ORDER

Vide the present petition the petitioner seeks a direction to punish respondent/contemnor under Sections 10 and 12 of the Contempt of Courts Act, 1971 for gross willful violation of the order of this court dated 8.8.2016 passed in W.P.No.26614 of 2016

Learned Senior Counsel Sri D.Prakash Reddy appearing on behalf of learned counsel the petitioner submits that this court by interim order dated 8.8.2016 stayed the impugned demand notice dated 6.8.2016. The said order was communicated to the Senior Divisional Commercial Manager, South Central Railway, Vijayawada through E-mail on 8.8.2016 itself. Thereafter, in person, the copy of the order was handed over in his office, which is evident from the receipt dated 9.8.206. He submits that in spite of the interim order of this court, the respondent has closed the stall of the petitioner.

The learned counsel appearing for the respondent / contemnor would submit that the respondent had no knowledge about the interim order dated 8.8.2016 passed by this court staying the impugned demand notice and the alleged violation was neither deliberate nor intentional. He submits that a vacate petition has been filed and that the said petition may be heard. He however submits that the interim order dated 8.8.2016 passed by this court shall be honored and that no

hindrance would be created in the business of the petitioner.

In view of the facts recorded above and the statement of the learned counsel for the respondent/contemnor, I am not inclined to issue notice in the contempt petition and the same is accordingly disposed of. No costs.

Miscellaneous petitions pending if any, shall stand closed.

SURESH KUMAR KAIT,J

DATE:12.08.2016

AVS