

THE HON'BLE SRI JUSTICE A.V.SESHA SAI

CONTEMPT CASE No.2265 of 2014

ORDER:

This contempt case is filed under Sections 10 to 12 of the Contempt of Courts Act complaining willful disobedience of the orders, dated 29.04.2014, passed by this Court in W.P.No.11739 of 2008.

Heard Mr.P.V.Raghuram, learned counsel for the petitioner and Mr.B.Narayana Reddy, learned Assistant Solicitor General for the respondent.

This Court, by way of an order, dated 29.04.2014, disposed of W.P.No.11739 of 2008 and the operative portion of the said order reads thus:

“For the aforesaid reasons and having regard to the nature of controversy in the present writ petition and keeping in view the law laid down in the above referred judgments, this writ petition is disposed of permitting the petitioner herein to submit claim petition before the 2nd respondent-Recovery Officer within a period of one month from the date of receipt of a copy of this order and on receipt of such claim petition, the 2nd respondent-Recovery Officer shall consider the same in accordance with law. It is also made clear that if no such claim petition is filed within the time stipulated, it shall be open for the respondents to proceed in accordance with law. This entire exercise shall be completed within a period of four months from the date of submission of the claim petition. Till the claim of the petitioner is considered and appropriate orders

are passed, interim order granted by this Court on 20.11.2013 shall continue to operate. No order as to costs.”

There is absolutely no dispute that pursuant to the above said order passed by this Court, the petitioner herein filed a claim petition before the Recovery Officer, Debts Recovery Tribunal, Visakhapatnam on 31.07.2014. The Recovery Officer by way of an order, dated 15.12.2014, dismissed the claim petition.

It is submitted by the learned counsel for the petitioner that the Recovery Officer passed the above said order, dated 15.12.2014, in erroneous manner and without affording proper opportunity, as such, the respondent is liable to be punished under the provisions of the Contempt of Courts Act.

On the contrary, it is contended by the learned Assistant Solicitor General, Mr.B.Narayana Reddy, for the respondent that pursuant to the orders of this Court in W.P.No.11739 of 2008, the claim petition was considered by the Recovery Officer and an order was passed on 15.12.2014, as against the same, an appeal has been filed by the petitioner and the same is pending consideration.

Since the petitioner has already availed the appellate remedy as against the order passed by the Recovery Officer on 15.12.2014, it is open for the petitioner to raise all points before the appellate authority. As the respondent herein considered the claim petition and passed an order, dated 15.12.2014, dismissing the claim

petition, this Court does not find any valid reason to proceed further in the matter.

For the aforesaid reasons, the contempt case is dismissed. It is open for the petitioner to raise all points before the appellate authority. The respondent stands discharged.

Consequently, Miscellaneous Petitions, if any pending in this contempt case shall stand closed. There shall be no order as to costs.

Dt:04.11.2016.

kdl



A.V.SESHA SAI, J