

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **CONT. CAS(C) 345/2016**

Date of Decision : June 02nd, 2016

DEEPAK KHOSLA

.....Petitioner

Through In person.

versus

PRAMOD KUMAR & ORS

.....Respondent

Through

**CORAM:
HON'BLE MR. JUSTICE P.S.TEJI**

P.S.TEJI, J.

1. The present contempt petition has been filed by the petitioner under Section 10 and 12 of the Contempt of Courts Act against the respondents i.e. respondent no.1-Mr.Pramod Kumar, Deputy Registrar (Listing), respondent no.2-Mr. Lorren Bamniyal, Registrar (Listing) and respondent no.3-Delhi High Court claiming to be arising from violation of order dated 29.05.2015 passed by this Court in Contempt Case (Crl.) 9 of 2014 & Contempt Case (Crl.) 12 of 2014, both titled “Court on its own motion vs. Deepak Khosla”.

2. In the petition, it is contended that vide order dated 29.05.2015, this Court had made it mandatory for the High Court Registry to place both the proceedings before Hon’ble the Chief Justice to constitute a larger Bench of 3 Judges to try the petitioner. It is further contended that despite clear directions in the orders dated 29.05.2015, respondent

nos.1 and 2 put up a misleading note before Hon'ble the Chief Justice on 01.07.2015 which led to the belief that only a direction relating to constitution of 2-Member Bench was issued, whereas they knowingly and deliberately excluded from their note the direction to place the matter to constitute a larger Bench of 3 Judges. The petitioner has prayed for initiation of proceedings against the respondents under the Contempt of Courts Act; punish respondent no.1 under Section 12(1) of the Act; take suo motu cognizance of the offence of criminal contempt by respondent no.1; cost of Rs.1,50,000/- be directed to be reimbursed by the respondents and order the respondents to pay at least Rs.10 crores to the petitioner while exercising powers under Section 357(3) of Cr.P.C.

3. Contempt of Court refers to such actions which defy the authority of a Court. Civil contempt of Court happens when someone fails to adhere to an order from the Court, which results into injury to the right of a private person. Civil Contempt of Court has been defined in Section 2(b) of the Contempt of Courts Act, 1971, which reads as under :

“civil contempt” means wilful disobedience to any judgment, decree, direction, order, writ or other process of a court or wilful breach of an undertaking given to a court.”

4. In Para. 50 of the order dated 29.05.2015 passed in Cont. Case (Crl.) No.12/2014, it was observed by this Court that :

“So far as the objection D is concerned, since we have already directed that the matter be placed before Hon'ble the Chief Justice in terms of

Section 14(2) of the Contempt of Courts Act, 1971 for assigning the same to the appropriate Bench, therefore, we deem it fit that the Hon'ble Chief Justice may take a view on this objection raised by the respondent herein."

5. The grouse of the petitioner is that he argued before the Court that he is an Advocate and as per the directions of the Court vide orders dated 29.05.2015 passed in Contempt Case (Crl.) Nos.9/2014 and 12/2014, the matter should be referred to Full Bench as per Section 14 of the Contempt of Courts Act, but the Office did not put appropriate note to mark the matter to the larger bench.

6. I have heard the petitioner at length.

7. Perusal of the order dated 29.05.2015 passed by this Court in Contempt Case (Crl.) No.12/2014 shows that in the order it was never directed to constitute or refer the matter to a larger Bench. The observations made in the order dated 29.05.2015 are to the effect that so far as objection D of the petitioner was concerned, the Bench already directed that the matter be placed before Hon'ble the Chief Justice in terms of Section 14(2) of the Contempt of Courts Act, 1971 for assigning the same to the "*appropriate bench*".

8. In pursuance of the order dated 29.05.2015 passed by this Court in Contempt Case (Crl.) Nos.9/2014 and 12/2014, the office note under challenge was prepared by the respondent nos.1 and 2. Undisputedly, respondent nos.1 and 2 are the Officers of this Court dealing with the listing of the matters. The job of respondent nos.1 and 2 is to put the noting for perusal/direction of Hon'ble the Chief

Justice. The noting prepared in the present matter, which has been questioned by the petitioner, does not mention anything which could misdirect or add the views of respondent nos.1 and 2 in the directions to be issued by Hon'ble the Chief Justice. More the reason that in para 51 of the order dated 29.05.2015 passed in Cont. Cas (Crl.) No.12/2014, it was specifically directed that the matter be placed before Hon'ble the Chief Justice for placing the matter before the appropriate bench for necessary direction and the same has been reflected from the noting prepared by the respondent nos.1 and 2. From no stretch of imagination, it could be inferred that the noting put up by the respondent nos.1 and 2 is in the capacity of assisting staff to reach just decision/direction. More the reason, a perusal of the orders dated 29.05.2015 clearly shows that the words used by this Court were "appropriate Bench" and not larger Bench. This court finds no reason to interpret the words "appropriate Bench" as only to mean larger Bench.

9. So far the respondent no.3 is concerned, it happens to be an institution. The allegations with regard to willful disobedience could be attributed against an individual or the person concerned, but definitely not against an institution. More the reason that the alternative reliefs claimed in the present petition cannot be claimed as the reliefs in the petition under Contempt of Courts Act.

10. From the totality of the circumstances i.e. no direction to place the matter to the larger Bench; direction of the Court to refer the matter to an '*appropriate Bench*'; noting prepared by the respondent nos.1 and 2 to place the matter before Hon'ble the Chief Justice for

marking the matter to the appropriate Bench and the fact that no contempt lies against an institution culminates into the conclusion that the petitioner in the contempt petition failed to make out the case of civil contempt under Section 14(2) of the Contempt of Courts Act, 1971 against the respondents. Consequently, it leads to the dismissal of the present petition.

11. Accordingly, the present petition is dismissed.

JUNE 02, 2016
dd



(P.S.TEJI)
JUDGE