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IN THE HIGH COURT OF DELHI AT NEW DELHI

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CONT.CAS(C) 839/2014

SUNIL BANSAL

..... Petitioner

Through

Mr.Manish Kumar with Mr.Anil
Goel, Advocates.

versus

A V RAO & ORS

..... Respondents

Through

Mr.Anil K.Batra, Advocate for R- 1
to 3.

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Date of Decision : 24th November, 2016

CORAM:

HON'BLE MR. JUSTICE MANMOHAN

J U D G M E N T

MANMOHAN, J: (Oral)

1. Present contempt petition has been filed alleging wilful disobedience of the order dated 8th August, 2007 passed by a Division Bench of this Court in W.P.(C) No.17451/2005 in respect of E-Tender floated by the respondent-BPCL in August, 2014.
2. In the petition, the only allegation is that the respondent-BPCL had awarded E-Tender in favour of forty-six tank trucks without the said vehicles possessing any valid/existing fitness certificates.
3. In the reply-affidavit, the respondent-BPCL has stated that the fitness certificates of forty tank trucks have been received and the said certificates have been confirmed by the respective RTOs. The fitness certificates of said forty tank trucks have been enclosed with the reply-affidavit.

4. Learned counsel for the respondent-BPCL states that out of remaining 6 tank trucks, three have not been issued any Letter of Intent (LOI), while the remaining three tank trucks have only been issued provisional LOI/work permits.

5. In rejoinder, learned counsel for the petitioner states that none of these forty-six tank trucks have explosive licences in accordance with the Division Bench order dated 8th August, 2007.

6. Having heard the learned counsel for the parties, this Court finds that the Division Bench in its order dated 8th August, 2007 had recorded the respondents' undertaking that they would issue provisional LOI/work permits for transportation of petroleum products and thereafter send the documents for verification to the departments who had issued the licences. It was further undertaken by respondent-BPCL that only upon receipt of the confirmation of the validity/genuineness of the said documents, the said LOI/work permits would be converted into regular contracts for transportation of the petroleum products.

7. Since in the present instance, the only averment in the contempt petition is that the contracts for transportation of petroleum products had been issued without the forty-six tank trucks having valid/existing fitness certificates, this Court is of the view that learned counsel for the petitioner's verbal allegation today that the forty-six tank trucks do not possess explosive licences cannot be examined in the present proceedings. After all, it is settled law that contempt proceedings are quasi-criminal in nature and the standard of proof required is that of a criminal proceeding. [See: *All India Anna Dravida Munnetra Kazhagam Vs. L.K.Tripathi & Ors.*, (2009) 5 SCC 417].

8. As in the present case, the fitness certificates of forty tank trucks out of forty-six tank trucks have been enclosed and a statement has been made that verification process with regard to three tank trucks is on-going and the remaining three tank trucks have been issued only provisional LOI/work permits, this Court is of the view that there is no wilful disobedience of the Division Bench judgment and order dated 8th August, 2007.

9. In fact, this Court is constrained to observe that the petitioner had approached this Court without doing any proper research and without appreciating the scope and ambit of the contempt proceedings. The petitioner, to put it mildly, has taken the contempt proceedings very lightly. Since the contempt proceedings are quasi-criminal in nature, the petitioner should have done its due diligence and then approached this Court.

10. Accordingly, the present contempt petition is dismissed.

MANMOHAN, J

**NOVEMBER 24, 2016
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