

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.3137 of 2006

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M/s Eastern Food Industries (P) Ltd., a company incorporated under the Companies Act, 1956 having its head office at M-3/32 Shri Krishnapuri (Opp. Basawan Park), Patna and factory at Bellaury, Purnea Katihar Road Purnea, Bihar through its Managing Director, Janardhan Prasad Singh, son of Late Shri Ram Uday Singh, resident of Flat No. G-2/2, Vaishal Residency, Bailey Road, Raja Bazar, P.S.- Shastrinagar, District- Patna

.... Petitioner/s

Versus

1. Shri Prem Singh Meena, Managing Director, Bihar State Credit and Investment Corporation, Indira Bhawan, 4th Floor, Ram Charitra Singh Road, Boring Canal Road, Patna
2. The State of Bihar

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Arbind Kumar Jha, Advocate
For the Respondent/s : Mr. Nirmal Kumar, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE

ORAL JUDGMENT

Date: 19-04-2017

Considering the fact that against the order passed in the writ petition and after L.P.A. No. 02 of 2007 was dismissed by a Division Bench of this Court, the respondent Bihar State Credit and Investment Corporation has filed Special Leave to Appeal (Civil) No. 568 of 2009 against the order passed in L.P.A. No. 02 of 2007 in which notices were issued on 23.01.2009, as is evident from Annexure-A to the show-cause of Respondent No. 1 and thereafter three S.L.Ps. arising out of orders passed identical in nature passed by Division Bench of this Court were directed to be tagged together, as is evident from annexure at Page-11 and finally it is seen that Civil



Appeal No. 1990 of 2009, S.L.P. (C) No. 20455 of 2007 and Civil Appeal No. 4066 of 2009 were directed to be tagged together for hearing the question of interim relief and after tagging together all the cases and in one of the appeals which is tagged with all these cases, there is stay by the Hon'ble Supreme Court, for the present, considering the fact that the matter is pending before the Supreme Court and enforcement of identical orders are stayed by the Supreme Court, it is not appropriate to take action for contempt against the respondents. The petitioner should wait the decision pending before the Supreme Court and thereafter seek enforcement of the order. For the present, finding no case made out for initiating action for contempt, this application is disposed of. I am constrained to take recourse to the said remedy in view of the law laid down in the case of **Modern Food Industries (India) Limited and Another Vs. Sachidanand Dass and Another- 1995 Supp (4) SCC 465.**

Petition stands dismissed for the present.

(Rajendra Menon, CJ)

P.K.P.

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
Uploading Date	
Transmission Date	

