

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Contempt Case (C) No. 588 of 2016**

Smt. Nirmala Bai widow of Ramesh Neelamani, aged about 52 years,
R/o Magarpara, Bilaspur, District Bilaspur, Chhattisgarh

---- Applicant**Versus**

Soumit Ranjan Choubey, Commissioner, Municipal Corporation
Bilaspur, District- Bilaspur, Chhattisgarh

---- Respondent

For Applicant	:	Shri Ajay Shrivastava, Advocate
For Respondent	:	Ms. Pushpa Dwivedi on behalf of Shri A. S. Kachhawaha, Advocate

Hon'ble Shri Justice P. Sam Koshy**Order On Board****06.02.2017**

By way of the present contempt case the petitioner has sought for initiating contempt proceedings against the respondent for the alleged willful non-compliance of the order dated 11.02.2015 passed by this Court in W. P. No. 679/2003.

2. The present contempt case was filed on 30.11.2016 i.e. after a period of more than one year and nine months. Section 20 of the Contempt of Courts Act, 1971 reads as under:

“20. Limitation for actions for contempt – No court shall initiate any proceedings of contempt, either on its own motion or otherwise, after the expiry of a period of one year from the date on which the contempt is alleged to have been committed.”

3. From reading of the said provision of law itself very clearly stipulates that no contempt shall be initiated beyond the period of one year from the

date on which the contempt is alleged to have been committed.

4. In the present case, admittedly, the order was passed by this Court on 11.02.2015 and the date of communication of this order is 09.03.2015 i.e. just within a month's time from the date of order of this Court. If 09.03.2015 is to be considered to the date when the respondent was communicated of the order passed by this Court even then the contempt case had to be filed by 09.03.2016. Repeated applications would not extend the period of limitation as prescribed under Section 20 of the Contempt of Courts Act.

5. Thus, the present Contempt Case is not sustainable and the same is dismissed on the ground of being barred by limitation.

6. Needless to mention that the reluctance of this Court in entertaining the contempt case on merits should not preclude the respondent from taking a decision on the representation filed by the petitioner, if any and the petitioner would also be at liberty to avail the other remedies available to him under the law.

Sd/-
P. Sam Koshy
Judge