

HIGH COURT OF CHHATTISGARH, BILASPUR

CONT No. 138 of 2017

- Binod Kumar Jaiswal S/o Late Raja Ram Jaiswal, Aged About 53 Years Proprietor M/s Gaurav Electricals, Opposite Goodluck Tyres, Near Bagga Hotel, Bilaspur Road, Bhanpuri, P.O. Bargain, P.S. Khamtarai, Tehsil Raipur, Civil & Revenue District Raipur, Chhattisgarh

---- Petitioner

Versus

1. P. C. Shrivastav D.G.M. (C & M), Stores N T P C, P.O. Vikas Bhawan, Jamnipali, 495450, District Korba, Chhattisgarh
2. D.Minz, Dy. Manager C & M Stores N T P C, P.O. Vikas Bhawan, Jamnipali, 495450, District Korba, Chhattisgarh
3. C B Mahajan, A G M, (C & M)- I/c, N T P C Korba, P.O. Vikas Bhawan, Jamnipali, 495450, District Korba, Chhattisgarh

---- Respondents

For Petitioner	:	Shri Vivek Chopda, Advocate
For Respondents	:	Shri B.D. Guru, Advocate

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

24/03/2017

1. Heard.
2. This contempt petition has been filed by the petitioner alleging that the petitioner is not being permitted to lift Scrap Insulated Copper Coil of Motor Transformer along with MS casing as mentioned in Lot No. 381 in respect of which, the statement was made on behalf of NTPC and on which basis, the petition was disposed of earlier on 09/11/2016. In the writ petition filed by the petitioner it was alleged that he was not being allowed to lift the auctioned quantity of material, which the petitioner claims to have purchased in the auction. A statement was made before the Court upon instructions by the respondents that the petitioner is at liberty to lift the quantity purchased by him vide delivery order dated 28/04/2016 in respect of the material, description of which has been stated in auction paper Annexure P/1 against lot No. 381.
3. In view of the aforesaid submission made, the petition was disposed off with

the direction that the petitioner shall be allowed to lift the quantity of material, which the petitioner claims to have purchased in the auction paper under Lot No. 381 in the quantity purchased by him and mentioned the delivery order dated 28/04/2016.

This contempt petition is filed alleging that when the petitioner reached the spot he was not allowed to lift the quantity as per the description. Learned counsel for the respondents therefore was directed to seek instructions.

4. Learned counsel for the respondents referring to the averment of reply stated that the allegations are not correct. Letter was issued to lift the same quantity under Lot No. 381, he submits that despite the letter, petitioner is not lifting the good and the authority has not committed any violation of the Court order.
5. All the respondents-officers are also present in the Court and respondent No. 1 stated that at the spot, the item of the description has been lying, but the petitioner is not lifting and raising a dispute that MS Casing also contains certain copper winding which is inseparable.
6. After going through the reply with affidavit on record, it appears to be dispute relating to component of the material. Therefore, in this circumstances, this Court is of the view that no contempt is made out. It will be open for the petitioner to lift the quantity as per the order passed by this Court and if the petitioner has any dispute with regard to the component or composition of the quantity available, it will be open for him to take recourse to civil remedy as may be available under the law..
7. Accordingly, petition is disposed of.

Sd/-
(Manindra Mohan Shrivastava)
Judge