

THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN

AND

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

Contempt Case No.1997 of 2017

Order: (Per the Hon'ble The Acting Chief Justice Ramesh Ranganathan)

This Contempt Case is filed alleging violation of the order passed by us in P.I.L. No. 147 of 2015 dated 17.1.2017 whereby the 4th respondent was directed to pay the amounts due of Rs.80,14,000/- to the State Government in accordance with Government Memo dated 29.11.2016. We had made it clear that the order would not preclude the 4th respondent-society from requesting the Government to consider granting them concession in repayment of the amount, and for the Government to consider any such request in accordance with law; and till the Government takes a decision and passes an order granting them concession, the 4th respondent should continue to make payment in terms of the Government Memo dated 29.11.2016 within the time stipulated.

The Government Memo dated 29.11.2016 required the 4th respondent to pay the outstanding standby charges of Rs. 80,14,000/-, for the period from 2011 to 2016, by remitting it to the Government head of account, over a period of six months in six instalments, with the first instalment to be paid on 30.12.2016.

In his counter-affidavit, the 3rd respondent stated that the 4th respondent had, by letters dated 20.12.2016, 4.2.2017 and 13.4.2017, paid Rs.64,96,855/-, in three instalments from out of the total arrears of Rs.93,94,000/-; the remaining balance of Rs.28,97,145/- was pending; subsequently, by letter dated 7.11.2017, the balance outstanding standby charges were paid by

the 4th respondent by bankers cheque No. 147582 dated 7.11.2017 for Rs. 28,97,145/-; and there were no dues pending.

It is evident, therefore, that the total outstanding amount due to the Government has since been paid by the 4th respondent. While it is no doubt true that the 4th respondent was required to make the payment in six monthly instalments commencing from December, 2016, the six month period expired by the end of May, 2017, whereas the last instalment was paid in November, 2017. We, however, see no reason to proceed against the 4th respondent under the Contempt of Courts Act for the delay, of a little more than five months, in making payment of the entire amount.

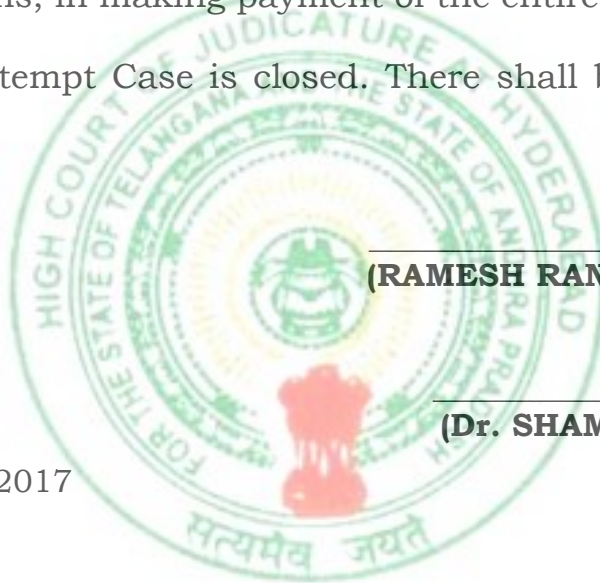
The Contempt Case is closed. There shall be no order as to costs.

(RAMESH RANGANATHAN, ACJ)

(Dr. SHAMEEM AKTHER, J)

17th November, 2017

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Date: 17.11.2017

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