

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

CONTEMPT CASE No.1091 of 2017

ORDER:

Heard learned counsel for the petitioner and learned counsel for the respondents.

2. Writ Petition No.20260 of 2016 is filed by the petitioner challenging the action of the respondents in not releasing the equipment pursuant to the auction conducted on 09.10.2015.

3. When the Writ Petition was taken up for consideration, the first respondent filed counter admitting the auction and stated that the respondent-Bank is ready to deliver the machinery to the petitioner, who is a successful bidder.

4. In those circumstances, this Court disposed of the Writ Petition with the following observation:

“In the circumstances, the petitioner shall visit the spot where the machinery is located on 27.02.2017 and the respondent-Bank shall send its officials for handing over the machinery to the petitioner. If the Bank is unable to deliver the machinery for any reason, not attributable to the petitioner, it shall pay/refund the amount of Rs.26,00,000/- by 28.0.2017,

Accordingly, the Writ Petition is allowed. No costs.”

5. Alleging non-implementation of the said order, the present Contempt Case is filed. A counter-affidavit is filed by the Bank stating that the first respondent visited the alleged unit on 27.02.2017 and after inspecting the machinery/equipment, sought one week time for lifting the machinery/equipment. The parties

once again visited the unit on 06.03.2017, but the petitioner was unwilling to lift the machinery. The entire event was videographed.

6. When the petitioner made some allegations with regard to availability of the machinery and missing of some items, the respondents filed the following two tables in their counter-affidavit:

Table-I

S.No.	Details of Item	Status mentioned by petitioner	Actual status as per the bank
01	Item No.1 & 2	Completely rusted	These items are fixed outside the building and the machinery auctioned as it where is basis.
02	Item Nos.7 to 14	Not found	Except small 4 items all the items are available
03	Item Nos.17 to 33	Not found	
04	Item No.42 and 43	Not found	
05	Item No.56	Not found	

Table II

01	Item Nos:1 to 3	Government Property	Only Transformer is the govt.property for which we assured to refund the amount of Rs.72,600-00 as per valuation report.
02	Item No.4	Rusted	It is not rusted
03	Item No.6	Not Found	It is available

7. In view of non-availability of only four small items and the respondents willing to reimburse the cost of Transformer, the petitioner was asked to lift the machinery. But, the learned counsel appearing for the petitioner, on instructions, submitted that the petitioner is not willing to lift machinery. In such

circumstances, no further proceedings can be taken in the present Contempt Case. It is left open to the petitioner and the respondents to workout their remedies according to law.

8. With the above observation, the Contempt Case is closed. Miscellaneous petitions, if any, pending in this contempt case shall stand closed. There shall be no order as to costs.

A.RAMALINGESWARA RAO, J

DECEMBER 08, 2017

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Date: 08.12.2017

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