

**HON'BLE SRI JUSTICE SURESH KUMAR KAIT
AND
HON'BLE DR JUSTICE SHAMEEM AKTHER**

CONTEMP CASE No.1839 OF 2017

ORDER: (Oral)

(Per the Hon'ble Sri Justice Suresh Kumar Kait)

Vide the present petition, the petitioner seeks direction thereby to punish the respondents under Section 10 to 12 of the Contempt of Courts Act for willful disobedience of the order of this Court dated 21.06.2017 passed in W.P.No.15391 of 2005.

2. We note, vide order dated 01.03.2005 passed in O.A.No.960 of 2004, the learned Tribunal directed the respondents to pay interest on the amount of arrears at the rate of 12% p.a. from 01.05.1997 till the date of actual payment.

3. Being aggrieved, the respondents have filed W.P.No.15391 of 2005 before this Court and the same was dismissed vide order dated 21.06.2017 directing the respondents (herein) to pay interest on arrears as per the directions of the tribunal within four weeks from the date of the receipt of the order.

4. It is not in dispute that the respondents were supposed to pay arrears of Rs.1,17,499/- on 01.05.1997, however, the said amount was paid on 20.08.1999. Therefore, the tribunal directed the respondents to pay interest on the amount of arrears at the rate of 12% p.a. from 01.05.1997 till the date of actual payment and actual payment was made on 20.08.1999.

5. Since the respondents did not comply with the order dated 21.06.2017 passed in W.P.No.15391 of 2005, the petitioner herein is compelled to file the present petition.

6. It is an admitted fact that the respondents have paid an amount of Rs.32,466/- as interest from 01.05.1997 to 19.08.1999 on the arrears for an amount of Rs.1,17,499/-. It cannot be disputed that the petitioner was supposed to receive an amount of Rs.32,466/- as interest on 20.08.1999 which admittedly paid on 11.08.2017. But the difficulty with this Court is that the present petition is contempt case and in the present case the respondents cannot be directed to go beyond the direction passed by this Court on 21.06.2017.

7. In view of the above, we hereby close the contempt proceedings against the respondents. However, the petitioner is at liberty, if so advised, may file a petition for challenging the delay payment of interest of Rs.32,466/-.

8. Accordingly, the Contempt Case is closed. There shall be no order as to costs.

Miscellaneous petitions, if any, pending shall stand closed.

SURESH KUMAR KAIT,J.

DR. SHAMEEM AKTHER,J.

Date : 17-11-2017
Gvl