

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

CONTEMPT CASE No.2121 of 2016

ORDER:

This Contempt Case is filed alleging non-implementation of the Order dated 20.11.2015 passed by this Court in W.P.No.23454 of 2011.

Today, when the matter is taken up for hearing, learned Government Pleader for Revenue (AP) placed on record G.O.Rt.No.107, dated 01.03.2017, along with a calculation Memo. A perusal of G.O.Rt.No.107, dated 01.03.2017, discloses that the same has been made pursuant to the order of this Court, whereunder an amount of Rs.30,60,997-28 ps., with interest, calculated at the rate of 12% p.a., has been approved. While disposing of Writ Petition No.23454 of 2011, three directions were given by this Court –

- a) to determine the capital investment subsidy entitlement of the petitioner proportionately for a period of 38 months and the balance amount corresponding to 22 months is recoverable from the over all subsidy amount that was released in favour of the petitioner;
- b) to determine the electricity incentive which the petitioner is entitled to; and
- c) the entire exercise shall be completed within a period of three months from the date of receipt of a copy of the order.

Though, there is a delay in complying with the Order, this Court is not inclined to view the same as a serious lapse, especially considering the nature of exercise that is required to be done and the hierarchal permissions, which are required to be obtained, in the process. In those circumstances, the delay caused is condonable. Though the entire exercise is directed to be completed

within a period of three months, inasmuch as, as on date, the amount liable has been determined by the State, in fairness, the same shall be paid in three months from today.

In terms of the orders of this Court, necessary calculations have been made, finally, determining the amount of subsidy, which is recoverable for 22 months, with interest at the rate of 12% for 11 years 7 months as on November, 2015. The said amount has been arrived at Rs.30,60,997-28 ps. As the said amount of Rs.30,60,997-28 ps., belongs to the petitioner and an amount of Rs.66,41,000/- is lying with the Visakha Cooperative Dairy after adjustment, the Order complained of in this Contempt Case is said to be implemented.

In those circumstances, the Contempt Case is closed. There shall be no order as to costs.

Date:22.11.2017.
Ssv

CHALLA KODANDA RAM, J.

