

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.1150 of 2016

In

Civil Writ Jurisdiction Case No.21633 of 2011

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1. Sri Anil Kumar, Son of Chhathu Choudhary, Resident of Shivam Apartment, Boaring Road, Patna presently residing at Maharaja Kameshwa Complex, 301, Frazer Road, Patna.
 2. Patliputra Builders Pvt. Ltd. A Company Registered Under the Companies Act, through its Director Sri Anil Kumar, Son of Chhathu Choudhary, Resident of Shivam Apartment, Boring Raod, Patna, Presently Residing at Maharaja Kameshwar Complex, 301 Frazer Road, Patna.

... .. Petitioner/s

Versus

1. The Union of India through Sri Shankar Agrawal, The Secretary, Department of Labour, New Delhi.
2. Sri S.K. Jha, the Regional Commissioner, Employees Provident Fund Organization, Bihar Bhawishya Nidhi Bhawam, R. Block, Patna.
3. Sri Manish Mani, Assistant Commissioner (Accounts), Employees Provident Fund Organization, Bihar Bhawishya Nidhi Bhawam, R. Block, Patna.
4. Sri Ranveer Kumar Singh, the Recovery Officer, Sirpentine Road (Opposite M.L.A.'s Flat) R.Block Road No.6, Patna- 800001.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	
For the U.O.I.	:	Mr. Rajesh Kumar Verma, C.G.C.
For the P.F.O.	:	Mr. Prashant Singh, Advocate

CORAM: HONOURABLE THE CHIEF JUSTICE

ORAL JUDGMENT

Date : 05-01-2018

Inter alia contending that an order passed on 09.11.2012 in C.W.J.C. No. 21633 of 2011 has not been complied with, this application has been filed for initiating action for contempt. The order passed on 09.11.2012 reads as under:-

“By order dated 14.2.2012, this Court



had directed the petitioners to make payment of Rs. 1,95,03,000/- by fixing installments as mentioned in the order sheet. As per direction of this Court, the entire amount has been paid and as such there is no occasion for this Court to go into the details regarding the other contentions raised in this case. It may be mentioned here that the respondent nos. 2 to 4 had filed a complaint case numbered as 2252 of 2010 with respect to bouncing of the cheque under the Negotiable Instrument Act. That amount has been paid by the petitioners and as such, the respondents have no objection if the complaint case is dropped. As a result of payment of the said amount, the certificate case against the petitioner as contained in Annexure-7 with respect to Rs. 1,95,03,000/- would also become infructuous and as such, Annexure-7 is quashed.

The writ application is accordingly, disposed of.”

From the aforesaid it is clear that the only observation made in the order was that as a result of payment of the amount, the complaint case is rendered infructuous. However, petitioner has filed a detailed averment to the contempt application and has raised various averments which goes to show that he travelled beyond the lis which was considered in C.W.J.C. No. 21633 of 2011. On the contrary,



most of the grievances of the petitioner seems to be with relation to certain proceedings initiated by the Provident Fund Authorities under Section 7Q and 14B of the Employees Provident Fund and Miscellaneous Provisions Act, 1953 and in the case of **M/s Patliputra Builders Ltd. & Anr. Vs. The Union of India through the Secretary, Ministry of Labour and Ors.- 2018 (1) PLJR 117**, decided on 24.07.2017 in C.W.J.C. No. 8165 of 2015 the challenge made by the petitioner to the proceedings initiated under Section 7Q and 14B has been rejected.

In view of the aforesaid order passed which is not brought to the notice of this Court filed by the petitioner, I am not inclined to initiate any action for contempt in the matter. It is not a case where any action for contempt is required to be drawn.

The application for contempt stands dismissed.

(Rajendra Menon, CJ)

P.K.P./-

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
Uploading Date	08.01.2018
Transmission Date	

