THE HON'BLE SRI JUSTICE SANJAY KUMAR

CONTEMPT CASE NO.1171 OF 2015

O R D E R

This contempt case was instituted by Sri Bajrang Jute Mills Private Limited, the petitioner in W.P.No.15679 of 2015, alleging willful and intentional violation and disobedience to the final order dated 12.06.2015 passed therein. Its grievance in the writ petition was that the Sub-Registrar, Nallapadu, Guntur District, the respondent herein, was not releasing the document presented by it for registration arbitrarily and in violation of law. A consequential direction was sought to the said Sub-Registrar to forthwith release the document, which was kept pending registration with Document P.No.499 of 2015 dated 12.05.2015. The writ petition was disposed of by the order dated 12.06.2015 after hearing Sri D.Prakash Reddy, learned senior counsel appearing for Sri Harender Pershad, learned counsel for the petitioner company, and the learned Assistant Government Pleader for Revenue, who made his submissions on the strength of the written instructions received from the Sub-Registrar, Nallapadu. The Assistant Government Pleader informed this Court that the reason for keeping the subject document pending registration was that there was no description of the property in the document and there was no proper assessment of the market value of the structures existing therein. Sri D.Prakash Reddy, learned senior counsel, informed this Court that the petitioner company was ready to allow the registration authorities to inspect the property and decide the stamp duty payable on the document for completing the registration process. The communication dated 02.06.2015 from the Sub-Registrar, Nallapadu, and the response thereto under letter dated 10.06.2015 of the petitioner company were placed on record. In the light of these facts, this Court noted that the petitioner company was prepared to allow inspection of the premises covered by the subject document and also submit to the assessment of stamp duty payable on the document and directed that the Sub-Registrar, Nallapadu, should take necessary steps to complete the registration formalities and thereafter release the subject document in accordance with the due procedure. This exercise was directed to be completed within two weeks from the date of receipt of a copy of the order.

The letter dated 02.06.2015 addressed by the Sub-Registrar, Nallapadu, to Sri Bajrang Jute Mills Private Limited and M/s. Aditya Infratech Private Limited is placed on record. This was the letter which was placed before this Court at the time of disposal of W.P.No.15679 of 2015 on 12.06.2015. Therein, the Sub-Registrar stated that the parties had submitted the development agreement-cum-general power of attorney for registration which had been kept pending with Document No.P.499/2015 and that the registration authorities along with the company representative went for inspection of the area shown in the document but the jute mill workers meddled with the inspection and they had to return without achieving their purpose. He further stated that as the jute mill workers opposed the inspection, if a chance is given for measurement in connection with the pending document, a proper decision would be taken. In response, Aditya Infratech Private Limited addressed letter dated 10.06.2015 stating that the existing structures on the land were only to the tune of 30,000 square feet but in the event the registration authorities inspected and measured the same and any variation is found in the measurement, they were agreeable to pay deficit stamp duty as determined by them. The registration authorities were requested to inspect the premises covered by the document and inform the company as to any deficit stamp duty. The letter ended with a specific request that the registration authorities cause inspection immediately and complete the process of physical verification so that the stamp duty could be decided and the process of registration could be completed immediately, after collecting necessary stamp duty.

The document in question is the development agreement-cum-general power of attorney executed by and between Sri Bajrang Jute Mills Private Limited, the petitioner company, being the owner of the land, and M/s. Aditya Infratech Private Limited, the developer. The document recorded that Sri Bajrang Jute Mills Private Limited is the absolute owner of the land admeasuring Ac.5.87 cents in Nallapadu Village, being a part of the larger extent of Ac.11.15 cents, purchased by it through registered sale deed bearing Document No.1415 dated 10.02.1942. The details of this land are shown in Schedule-A to the document. Sri Bajrang Jute Mills Private Limited is also the owner of another extent admeasuring Ac.1.92 cents in Nallapadu Village, having purchased the same through registered sale deed bearing Document No.5095 of 1967 dated 12.09.1967. The details of this extent were shown in Schedule-B. Schedules-A and B properties were proposed to be given for development to M/s. Aditya Infratech Private Limited. The document further recorded that Sri Bajrang Jute Mills Private Limited was running a jute mill in Schedules-A and B properties since 1938 and as the said mill was not earning profits and was incurring losses year after year in the recent past and as the surroundings of the jute mill were fully developed and surrounded by residential colonies/houses due to development of the city over the years and in order to have better advantage and in the best interest of the company, the Board of Directors decided in the meeting held on 08.04.2015 to develop the above mentioned land, totally admeasuring Ac.7.79 cents, in Schedules-A and B into a residential project either by shifting the said jute mill to another place or winding it up in view of dwindling demand and fierce competition. As the land was in industrial category, Sri Bajrang Jute Mills Private Limited assured M/s. Aditya Infratech Private Limited that it would get the land converted from industrial category to residential category. The document thereafter goes on to detail the terms and conditions of the development and its modalities.

This contempt case was filed on 30.06.2015 complaining that on 15.06.2015, the petitioner company received an intimation of refusal from the Sub-Registrar, Nallapadu, the respondent, whereby he refused to register the document kept pending with P.No.499 of 2015 dated 12.05.2015. Therein, the Joint Sub-Registrar noted the following reasons:

> '(i) As per Rule 151(I) of the Registration Act, 1906: When the addition of an person or the description of a property has to be ascertained owing to the addition or the description not appearing either in the document or in the endorsement.
> (ii) As per Section 21(1) to (3) & and 22 of the Registration Act, 1908 read with Rule 20 and 161(I)(II and III) of Registration Rules:-
> The description of the property in the document is insufficient to identify.
> (iii) Section 21(4) of the Registration Act, 1908 read either Rule 161(I)(IV): The document is unaccompanied by a copy or copies of map or plan.
> (iv) Lr.Rc.No.B/1122/2015 dated:31-05-2015 from Joint Commissioner of Labour to the Sub Registrar regarding objections – Industrial Disputes Act, 1947 – unfair labour practice committed by the management of Bajrang Jute Mills Limited, Guntur – Demanding forcible resignations of the workers.'

The Director and Authorized Signatory of the GPA holder, speaking on behalf of the petitioner company, claimed that they brought the order passed by this Court on 12.06.2015 to the notice of the respondent on 16.06.2015. He further claimed that the respondent was aware of the said order as he had given instructions to the learned Assistant Government Pleader to make his submissions on the date of disposal of the writ petition. The Director claimed that it was on the instructions of the local MLA and the District Registrar that the respondent intentionally and with a view to defeat the purpose of the order passed by this Court, refused registration under the intimation dated 15.06.2015, without even undertaking an inspection. He pointed out that no reference was even made to the order passed by this Court in the said intimation. He therefore alleged that the act of the respondent amounted to willful violation of the order passed by this Court. It is in this context that he alleged that the respondent committed contempt and initiated the present contempt proceedings praying that the respondent be punished under Sections 10 to 12 of the Contempt of Courts Act, 1971 (*for brevity*, 'the Act of 1971').

The Sub-Registrar, Nallapadu, the respondent, filed his first counter-affidavit on 13.08.2015. Therein, he stated that on two occasions between 24.05.2015 and 30.05.2015, he along with his Junior Assistant went to the jute mill and tried to enter the factory buildings for inspection of the buildings and machinery inside, but the workers did not permit them. He sated that he addressed letter dated 02.06.2015 to the GPA holder of the petitioner company apprising them of these facts. He claimed that there was no co-operation from the GPA holder of the petitioner company. He admitted receipt of the letter dated 10.06.2015 from the GPA holder of the petitioner company and stated that this correspondence was brought to the notice of this Court at the time of disposal of the writ petition. He further stated that on 10.06.2015, the District Collector, Guntur, called for a meeting with regard to the dispute between the management and workers of the jute mill and he was also present. He stated that he informed the District Collector that the document was kept pending in view of the details of the machinery and structures not being available in the said document. As the prevailing situation did not permit an inspection, without which assessment could not be made of the market value of the property, including the plant and machinery, he stated that he was unable to process the document. In para 8 of the counter, he stated as under:

> 'I respectfully submit that I acted in good faith and I was not aware about the order, dt.12.06.2015, passed by this Hon'ble Court in W.P.No.15679 of 2015 as it was not communicated by them. The same came to my knowledge only on 17.06.2015 when a copy thereof was communicated to me by the representative of the petitioner. By then, I had already passed an order of refusal (on 15.06.2015).'

He stated that his intimation of refusal dated 15.06.2015 was set aside by this Court by order dated 20.07.2015 passed in W.P.No.21606 of 2015. He further stated that he made an effort to inspect the premises of the jute mill after intimating the District Registrar, Guntur, and after giving intimation dated 24.07.2015 to the petitioner company. He claimed that the petitioner company intimated the registration authorities that arrangements would be made for site inspection at 10.30 AM on 28.07.2015 but on 28.07.2015 at about 11.00 AM, when he, his staff and those deputed from the office of the District Registrar, Guntur, went there they were stopped at the main gate by hundreds of workers who prevented them from entering the compound. The workers attacked their vehicles with sticks and stones and the police force which was available at the spot came to their rescue and helped them escape. This incident was widely reported in the Press. He then stated that he addressed letter dated 29.07.2015 to the District Collector, Guntur, through the District Registrar, Guntur, intimating as to what had happened on 28.07.2015 and requesting that arrangements be made for their safety in that regard. He further claimed that none of the representatives of the petitioner company or the GPA holder were present at the time when they tried to enter the compound but on 29.07.2015, a letter was addressed by the GPA holder claiming that they were waiting at the site on 28.07.2015 from 10.00 AM to 6.30 PM but there was no communication from the registration authorities. He asserted that this version was absolutely incorrect and claimed that his efforts to inspect the premises on 28.07.2015 bore no fruit in view of the law and order situation created by the workers. He stated that on 06.08.2015, he addressed another letter to the GPA holder of the petitioner company requesting them to make arrangements for inspection and informing them that the inspection could only be done in congenial circumstances. He stated that even as on the date of the counter-affidavit, security problems were still subsisting and the workers had pitched tents outside the main gate. Again, in para 13 of the affidavit, he stated that he was unaware of the order dated 12.06.2015 passed in W.P.No.15679 of 2015 and as such, he had passed the order of refusal on 15.06.2015 in ignorance thereof. He further stated that the said order was communicated to him only on 17.06.2015 and claimed that he would never conduct himself in such a manner as to disobey any order passed by this Court. He concluded by stating that the registration authorities were prepared in all respects to implement the order of this Court if a congenial atmosphere prevailed on the site.

The contempt case was admitted on 07.09.2015 and was adjourned to 05.10.2015 for appearance of the respondent.

Thereupon, additional affidavit dated 03.10.2015 was filed by the respondent on 05.10.2015, on which date he was present in person before this Court. Therein, he sought leave to file the said affidavit so as to place on record the events that had transpired after he filed his earlier counter affidavit. He went on to state that on 29.09.2015, at about 4.00 PM, he inspected the property in question along with his office staff, i.e., Rambabu, Junior Assistant, and Ramesh, Office Subordinate. In addition, one Mallikarjun, Engineer, Bajrang Jute Mill, was stated to have been present during the inspection and he furnished a copy of the sketch of the site and buildings along with a copy of the municipal tax assessment notice. He stated that during the course of inspection, they took physical measurements of the building and also noticed that machinery was embedded in the earth (floor of the building). They noticed that there was a variation in the details of the measurements shown in the document presented for registration and the measurements on the ground. He went on to elaborate that the measurements of the existing structures shown in the document were to the tune of 30,000 square feet, whereas the measurements of the structures noticed during the inspection totaled 16,163.2072 square feet (RCC structure) and 2,46,222.2234 square feet (ACC structure). He asserted that huge machinery was embedded in the premises but was not mentioned in the document. The market value per square yard was stated to be Rs.14,000/- as opposed to the rate of Rs.12,000/- per square yard adopted in the document. This itself amounted to a difference of Rs.7,40,00,000/- at the rate of 1%. He stated that he issued notice dated 29.09.2015 to the petitioner company, dispatched on 01.10.2015 by registered post, bringing it to their notice that there were variations in the details shown in the document and the measurements on the ground. He requested them to furnish certain documents in relation to these variations and once the required documents were furnished, the stamp duty would be finally assessed so that the document could be processed for registration. He claimed that he had taken steps in compliance with the directions of this Court, *vide* its order dated 12.06.2015 in W.P.No.15679 of 2015, and prayed that he be discharged from the contempt proceedings. He filed a copy of the notice dated 29.09.2015 addressed by him to both parties.

The petitioner company filed a reply affidavit in response to the additional counter dated 03.10.2015. This reply affidavit was deposed to by the Director and Authorized Signatory of the GPA holder of the petitioner company and bears the date 26.10.2015. Therein, he stated that neither the respondent nor his staff had inspected the property in question on 29.09.2015 at 4.00 PM. He stated that CC cameras had been installed at the entrance/exit gate and the staff entry gate of the jute mill and video footage was recorded 24x7. He asserted that video footage between 3.00 PM and 7.00 PM on 29.09.2015 did not reflect that the respondent had inspected the property in question as claimed by him. He asserted that the respondent was intentionally trying to mislead this Court with a view to avoid the consequences of having failed to comply with the order passed by this Court. He further stated that the In-charge of the security office located at the entrance of the jute mill gave a declaration that on 29.09.2015 nobody contacted them to open the gate, which was the only entrance to the jute mill, for the purpose of inspection/verification. He further stated that the mill was under lock-out and the keys were with the management and only with the prior approval or consent of the management, the keys would be given to unlock the mill. He further stated that at the time of presentation of the document, the market value of the land was Rs.12,000/- per square yard. He stated that the gift deed dated 12.05.2015 executed by the petitioner company in favour of Guntur Municipal Corporation, donating 134.2 square metres, for road-widening was also registered treating the market value as Rs.12,000/- per square yard. He claimed that the property covered by said gift deed was contiguous to the property covered by the subject document and therefore, the valuation of the property at Rs.14,000/- per square yard was arbitrary. He further claimed that reply dated 23.10.2015 was issued to the notice dated 29.09.2015 and was received by the respondent on 23.10.2015. A copy thereof was also placed on record. The Director concluded by stating that the respondent had deliberately made a false statement that he inspected the property covered by the document, further compounding his contumacious conduct.

The reply dated 23.10.2015 addressed by Aditya Infratech Private Limited bears out that, while denying the alleged inspection of the premises by the respondent on 29.09.2015, it stated that the jute mill was in existence since 1938 and all the structures were old, being nearly 80 years of age. Only four structures/extended portions of the structures were stated to be less than 10 years old and the respondent was requested to assess the market value of the existing structures in accordance with law after giving the benefit of depreciation to each of the structures, having regard to their age and value.

On 05.10.2015, noting the presence of the respondent, this Court observed that the additional affidavit filed by him was not satisfactory as to the steps taken by him after admission of the contempt case, pursuant to the order of this Court. He was therefore called upon to file an additional affidavit explaining the steps taken by him throughout. The presence of the respondent was however dispensed with until further orders.

On 26.10.2015, the additional counter-affidavit filed by the respondent was taken on record and the matter was adjourned for reply.

The said additional counter-affidavit, bearing the date 26.10.2015, reads thus: The respondent addressed letter dated 31.08.2015 to the District Registrar informing him of the initiation of contempt proceedings by this

Court; that this Court had taken a serious view of the delay in implementation of the order dated 12.06.2015; and requested him to immediately take up the issue with the Superintendent of Police for providing police protection to cause inspection of the site, as the matter stood posted to 07.09.2015. Thereupon, the District Registrar addressed letter dated 03.09.2015 to the Superintendent of Police, Guntur Urban, requesting for police bandobust for the inspection. On 03.09.2015, 05.09.2015 and 09.09.2015, the respondent along with the District Registrar met the Superintendent of Police, Guntur Urban, and the respondent explained the necessity to implement the order dated 12.06.2015 immediately. The Superintendent of Police, Guntur Urban, addressed letter dated 10.09.2015 to the District Registrar agreeing to provide police protection and asked him to fix a suitable date for inspection of the premises. The respondent sought permission of the District Registrar to complete the inspection as he would not be available in the office for discharge of regular duties for some time. He was in close consultation and co-ordination with the offices of the District Registrar, the Superintendent of Police and the Field Officers as to the situation prevailing at the jute mill. The respondent assessed the situation and waited for the right opportunity to cause inspection without coming under the public eye so as to prevent any possible disruption during the inspection. He stated that he was in continuous touch with Subba Rao, a representative of Aditya Infratech Private Limited, and during this interregnum of 19 days, he observed that a group of workers of the jute mill was continuously sitting at the main gate and was preventing any person from entering into the premises. He further stated that he also noticed that as days passed by, the severity and gravity of the situation was coming down. He claimed that he was determined to complete the inspection at any cost and was also conscious of the fact that he should try and avoid confrontation, as far as possible, and waited for the situation to calm down. He said that he got the right opportunity to enter the premises on 29.09.2015 at about 4.00 PM through the other entrance in the adjacent premises of the jute mill, as suggested by Subba Rao, an employee of the petitioner company, which enabled him to examine the documents handed over by Mallikarjun, an engineer of Sri Bajrang Jute Mills Limited, and his staff could take physical measurements with due alacrity. He further stated that throughout the inspection, Subba Rao and Mallikarjun were both present. He stated that he could implement the orders, albeit with some delay which was only caused due to his waiting to assess the situation which was slowly defusing so as to complete the inspection effectively. He submitted his unconditional apology for the errors that had occurred on his part and claimed that he had highest regard for majesty of the law. He stated that he issued notice dated 29.09.2015 to the petitioner company calling upon it to furnish details as to the value of the land, value of the buildings and value of the machinery. In the absence of correct details from the petitioner company on the above three issues, he said that it was very difficult to arrive at the market value of the premises to determine the stamp duty. He referred to the response received by him under letter dated 23.10.2015 and stated that several controversies were set out therein but were incorrect, untrue and therefore denied. He asserted that this only showed and indicated the non-cooperative attitude on the part of the petitioner company to create hurdles in the way of registration. He again asserted that he had taken all required steps to comply with the order dated 12.06.2015 in W.P.No.15679 of 2015 and prayed that he be discharged.

On 02.11.2015, the petitioner company filed its reply to this additional counter affidavit. Therein, the Director and Authorized Signatory of the GPA holder of the petitioner company again asserted that neither the respondent nor his staff inspected the property in question on 29.09.2015 at 4.00 PM. He pointed out that all along the respondent had been claiming that there was a law and order problem at the jute mill which prevented him from inspecting the premises and he had sought police intervention so as to enable him to undertake such inspection, but surprisingly he did not claim that he had asked for any police protection on 29.09.2015 when he claimed to have completed the inspection. He further pointed out that the Superintendent of Police, Guntur, had addressed letter dated 10.09.2015 asking the District Registrar to fix the date of inspection but despite the same, the respondent claimed that he had conducted the inspection on 29.09.2015 without seeking police protection. He categorically denied the claim of the respondent that he had interacted with Subba Rao telephonically on few occasions and Subba Rao requested for inspection of the premises and release of the document. He also denied the averment that Subba Rao had suggested to the respondent to cause inspection by entering through the other entrance from the adjacent premises of the jute mill. He asserted that the respondent never entered the premises of Bajrang Jute Mill on 29.09.2015. He stated that Subba Rao was not an employee of the petitioner company but only an authorized representative of Aditya Infratech Private Limited, the GPA holder of the petitioner company. He claimed that Subba Rao had no role to play in the affairs of the jute mill except to the extent of pursuing the office of the respondent for release of the document. He denied the averment that the respondent had entered the jute mill premises from the adjacent property. He stated that the adjacent property, which was referred to by the respondent, had been taken on development by Aditya Infratech Private Limited, the GPA holder of the petitioner company, and it was surrounded by a compound wall which had a separate entrance which was under continuous monitoring by a security guard and unless and until the security guard permitted it, nobody could enter the said premises. The security guard informed them that on 29.09.2015 nobody had requested him for entry into the premises for the purpose of inspection and no one entered the premises on the said date. He denied the claim of the respondent that he had entered the jute mill premises from the adjacent property. He further stated that the small gate into the jute mill from the adjacent property was locked ever since the adjacent property was given for development to Aditya Infratech Private Limited, the GPA holder of the petitioner company. He further stated that on 29.09.2015 around 10.30 AM, the respondent called Subba Rao asking him to meet him at Hotel Geetha Regency in Room No.206 and accordingly, Subba Rao went there and met the respondent. The respondent was stated to have assured Subba Rao that he would complete the inspection after giving necessary notice. He further stated that during this conversation, the respondent wanted some plans and drawings of the jute mill and as these particulars were available with the staff of Bajrang Jute Mill, Subba Rao contacted Mallikarjun to furnish the said information and in response, Mallikarjun went to the hotel and handed over some drawings and plans, but not being satisfied therewith, the respondent asked for the list of structures with its measurements and accordingly, on the instructions of the respondent, at about 4:46:43 PM, Mallikarjun sent an e-mail to srikanthrakindi@gmail.com, the e-mail address of an employee who works in the office of the respondent. The said e-mail mentioned the details of the structures and measurements and on that basis, after making a few fabrications, the respondent issued notice dated 29.09.2015. The Director further stated that the measurements were factually incorrect and if fresh inspection is undertaken, it would be evident. He further stated that if the inspection was caused in the presence of Subba Rao and Mallikarjun, the respondent would at least have obtained their signatures as witnesses, but admittedly he did not do so. He again stated that the respondent was trying to mislead this Court by making false statements, as his earlier statements stood disproved by the CCTV footage, and he resorted to invention of the new theory of entering the premises from the adjacent property in fear of these contempt proceedings. He further stated that a third camera was placed near Shed No.2, which gave a clear view of the security block, administrative block (main office) and Shed No.2. He pointed out that the respondent, in his notice dated 29.09.2015, specifically referred to measurements of the structures including the security block, administrative building (main office) and Shed No.2 and therefore, he must have taken measurements of these structures also. He asserted that the CC camera installed near Shed No.2 would have captured the video footage of the respondent taking measurements of the security block, administrative block (main office) and Shed No.2 but the CCTV footage clearly established that the respondent did not do so on 29.09.2015. He further pointed out that in the additional counter affidavit dated 03.10.2015, the respondent did not even refer to the fact that he had entered the premises from the adjacent property and this clearly proved that he was making a false statement as an afterthought, after receiving the reply dated 23.10.2015. He asserted that the unconditional apology tendered by the respondent did not deserve consideration as he was continuing to make false statements before this Court.

In the next additional counter-affidavit deposed to on 01.11.2015 and filed before this Court on 02.11.2015, the respondent stated that he went through the contents of the petitioner's reply affidavit dated 26.10.2015 and wished to advert to the contents thereof. He again asserted that he conducted an inspection of the jute mill premises on 29.09.2015 at 4.00 PM, having entered the premises through the entrance from the property adjacent to the jute mill, as suggested by Subba Rao, an employee of the petitioner company, and that he examined the documents handed over to him by Mallikarjun, an engineer of Bajrang Jute Mills. He further stated that his staff could take physical features of the structures/buildings and, in fact, throughout the inspection, Subba Rao and Mallikarjun were present. He further stated that the very averment of the petitioner company that the premises was under lockout and was under continuous surveillance, showed the gravity of the situation prevailing at the premises of the jute mill. Referring to the reply dated 23.10.2015 received by him, he stated that the valuation report submitted therewith indicated that the measurements of the structures and buildings were almost tallying with the measurements taken by him which clearly supported his inspection on 29.09.2015. He stated that he was insisting upon a depreciation certificate but was yet to receive the same and in the absence of such information, he could not take steps for completing the registration formalities to release the document. He further stated that the market value of the land would be Rs.14,000/- per square yard, as stated by him, and that the petitioner company erroneously contended that the premises in question falls under the 18th ward and not the 3rd ward. He stated that Nallapadu was a village in the 18th ward but now that Nallapadu was part of Guntur Municipal Corporation, it falls under new ward No.3. He again claimed that with the sole intention of implementing the order passed by this Court, he took some time to assess the situation and to discharge his statutory obligation without fail, but he could implement the order, albeit with some delay, which was only caused due to non-cooperation of the petitioner company to some extent and to assess the situation which was slowly defusing so as to complete the inspection effectively. He reiterated that he took all required steps in compliance with the directions of this Court and prayed that he be discharged from the contempt proceedings.

G.Subba Rao filed affidavit dated 02.11.2015 stating that incorrect and false statements were made by the respondent in his additional counter-affidavit dated 26.10.2015 and he sought leave to file the said affidavit and state the true facts. He stated that he was a teacher by profession working in Saradha Public School, Arundalpet, Telecomnagar, Amaravathi Road, Guntur, but was known to the management of Aditya Infratech Private Limited. The said company was stated to have authorized him to represent it before the Nallapadu Sub-Registrar's office for release of the development agreement-cum-GPA, kept pending as P/499 of 2015. In the capacity of its representative, he stated that he visited the Sub-Registrar's Office, Nallapadu, to find out about the developments with regard to registration of the said document and met the respondent on a few occasions. He stated that the respondent called him on 29.09.2015 around 10.30 AM and asked him to meet him at Hotel Geetha Regency, Arundalpet, Guntur, to discuss the matter. He stated that he went to the hotel and met the respondent in Room No.206 at around 11.30 AM. The respondent asked him to furnish the details of the structures in the premises but as he was not aware of the same, he called Mallikarjun, an employee of Bajrang Jute Mill, to provide the required information and documents to the respondent. Accordingly, Mallikarjun came to the hotel and met the respondent in his presence and the respondent asked Mallikarjun to e-mail the details of the structures. Subba Rao further stated that the respondent discussed with him for some time and left around 1.30 PM whereupon he went back to the school and was there at 4.30 PM. During this interaction, the respondent assured him that he would make an inspection at 4.00 PM on the same day by informing him in advance, but he did not get any information about the inspection till 3.00 PM. He contacted the respondent at that hour and the respondent informed him that he would conduct an inspection at about 4.00 PM. Again, as he did not get any information, he called the respondent at 4.00 PM and the respondent informed that he would conduct the inspection at 5.00 PM. Again, he called the respondent at about 5.30 PM but the respondent did not pick up his phone. At about 9.00 PM, the respondent called him and informed that he was stuck at the office of the Deputy Inspector General, Stamps and Registration, and when he asked the respondent as to when he would conduct an inspection, the respondent informed that there was no necessity and he would complete the process of registration with the information and documents provided by Mallikarjun. Subba Rao therefore denied the claim of the respondent that he entered into the jute mill premises through the adjacent premises and caused inspection on 29.09.2015 at 4.00 PM in his presence and in the presence of Mallikarjun, the electrical engineer of the jute mill. He asserted that the respondent never conducted any inspection on 29.09.2015 and as such, the statement made by him that he conducted such inspection at 4.00 PM on 29.09.2015 was absolutely false and intended to mislead this Court.

A similar affidavit was filed by D.Mallikarjun, the electrical engineer of Sri Bajrang Jute Mills Private Limited. This affidavit also bears the date 02.11.2015. He stated in the said affidavit that on 29.09.2015, he attended to his duties and was available in the jute mill premises from 7.17 AM to 8.48 AM and came back to the factory at 10.53 AM and left at 11.56 AM to go to Hotel Geetha Regency to meet the respondent, upon receiving information. He came back to the jute mill at 02.04 PM and left for lunch at 02.07 PM. He returned to the jute mill after lunch at 03.17 PM and left for the day at 07.03 PM. He further stated that he met the respondent only on 07.07.2015 to submit a letter and on 29.09.2015 in Hotel Geetha Regency. He further stated that on receiving a call from G.Subba Rao, the authorized representative of Aditya Infratech Private Limited, he went to Hotel Geetha Regency and met the respondent to furnish the information sought by him regarding the structures of the jute mill. He further stated that during the said meeting, the respondent asked him to furnish details of the structures. When he said that they were not readily available with him, the respondent asked him to email the details of the structures to the e-mail address, viz., srkathrakindi@gmail.com. Mallikarjun claimed that he accordingly sent an e-mail at 4:46:43 containing the details of the structures along with measurements. He further stated that the respondent orally promised to conduct an inspection of the jute mill at 4.00 PM on the same day, but he did not turn up till he left the mill. He stated that the other entrance to the jute mill was located on the rear side in the adjacent premises of the jute mill which was given for development to Aditya Infratech Private Limited and the said gate was locked and was no longer in use since July, 2014, being in a dilapidated condition. He also stated that a CC camera was placed near Shed No.2, which gave a clear view of the security block, administrative building (main office) and Shed No.2. As the respondent, in his notice dated 29.09.2015, specifically referred to the measurements of these structures, Mallikarjun pointed out that he must have taken the measurements of the structures, but the CCTV footage clearly showed that he did not do so. He asserted that the respondent had made false statements to the effect that he caused inspection of the jute mill on 29.09.2015.

On 03.11.2015, this Court took note of the rival claims as to the alleged inspection of the premises in the context of the allegations of false statements having been made by the respondent. As these allegations added a new facet to the contempt case and as such a factual dispute could not be decided on the strength of affidavits alone, this Court took recourse to Rule 24 of the Contempt of Court Rules, 1980, and directed the Principal District Judge, Guntur, to undertake an enquiry by taking evidence and submit a report. Upon completion of the enquiry, the District Judge submitted his report, which was duly taken on record on 15.12.2015. The learned Principal District Judge, Guntur, himself conducted the enquiry.

Ambati Murali Krishna, the Managing Director, Aditya Infratech Private Limited, was examined as P.W.1. He filed his affidavit dated 30.11.2015 under Section 139 CPC along with 29 exhibits, including three compact discs containing the CC camera footage. Deposing as P.W.1 on 01.12.2015, he marked in evidence Exs.P1 to P26. As an objection was raised as to the marking of the compact discs containing the CC camera footage, it was noted on 02.12.2015 that the said compact discs would be marked through the next witness and the cross-examination of P.W.1 commenced. He admitted that Aditya Infratech Private Limited was the GPA holder of Sri Bajrang Jute Mills Private Limited and was also the developer under the subject document. He stated that they had filed a copy of the said GPA in the proceedings before this Court, whereas the original was with the office of the respondent, pending registration. He stated that apart from that GPA, there was no other GPA. He stated that there was a resolution of the Board of Directors of Sri Bajrang Jute Mills Limited also and that a copy thereof was filed before this Court. The original of the same was with the Sub-Registrar. He stated that he was not present at the jute mill premises either on 28.09.2015 or 29.09.2015 or 30.09.2015 and admitted that he was not a witness to anything that occurred on those three days at the said premises. He said that he was in Guntur on 27.09.2015, 28.09.2015 and 29.09.2015 and during those days, the respondent spoke to him over the cell phone. During the said conversation, the Sub-Registrar informed him that he would visit Bajrang Jute Mills for inspection on 29.09.2015. The Sub-Registrar also said that he would issue a notice on the inspection he would do on 29.09.2015 but he did not issue any such notice. He stated that he came to know that when the respondent visited the jute mill on 28.07.2015, a commotion took place at the mill and obstruction was caused by the jute mill workers and some local politicians. He said that he came to know about it on the same day evening. He was present at Guntur but his staff informed him of the incident. He stated that there was a small way on the rear side of the jute mill premises (residential premises) but it was in a dilapidated condition. He stated that Mallikarjun was an engineer appointed by Bajrang Jute Mills, while Subba Rao was a representative of Aditya Infratech Private Limited. He stated that Mallikarjun submitted documents to the respondent at Hotel Geetha Regency, Guntur, on their behalf. He denied the suggestion that the respondent visited the jute mill on 29.09.2015 at 4.00 PM and collected measurements and information.

D.Mallikarjuna Rao was examined as P.W.2. He filed his chief-examination affidavit dated 03.12.2015 under Section 139 CPC on 04.12.2015. He marked in evidence Ex.P27 Certificate dated 10.10.2015 along with Exs.P28, P29 and P30, the three CDs containing the CCTV footage from the main building, security block wicket gate and Shed No.2 in the premises of the jute mill. In his cross-examination, P.W.2 stated that he was only an electrical engineer and not an electronics engineer. He however stated that in electrical engineering, electronics is also a subject. He spoke of the five CC cameras installed at the jute mill premises, two at the main gate, one inside the premises, two inside the administrative block. He stated that Ex.P28 CD, played upon a laptop, displayed 14 hours 4 minutes 17 seconds of footage and commenced from 11.00 AM on 10.10.2015. He said that he did not participate in any measurement work done inside the factory. He further stated that if anyone enters through the south-west security post inside the factory, none of the installed cameras would record the entry through that gate. This gate, he added, was not attached to the boundary wall of the mill but was within the premises of the mill. He said that when Subba Rao, a representative of Aditya Infratech Private Limited, met the respondent, he was with him and the respondent orally informed him that he would inspect the mill premises at 4.00 PM on 29.09.2015 by giving prior notice. He said that it was true that Ex.P28 CD showed him with his motorcycle at the administrative block of the jute mill at 15.17.21 hours. He also admitted that at 15.19.51 hours in Ex.P28, he was seen coming out from the administrative office with files and from there, he went towards the factory premises by taking a turn. He also admitted that he was seen in Ex.P28 CD at 17.43.45 hours, coming out of the administrative block of the mill premises. He was not fully aware of the transactions that were held between Bajrang Jute Mills and Aditya Infratech Private Limited, but he had personal knowledge about the matters stated in para 9 of his affidavit filed before the High Court. He admitted that the timing 4.00 PM to 7.00 PM referred to by him in para 6 of his chief affidavit did not mean that the CC cameras recorded only between the said period. He denied the suggestion that Exs.P28 to P30 CDs did not reflect the true facts and were prepared with his help to suit their case.

G. Subba Rao was examined as P.W.3. He filed his chief-examination affidavit dated 03.12.2015 under Section 139 CPC. On 04.12.2015, he was cross-examined. He said that he met the respondent in the matter of registration of the document in question about ten times. He said that on 29.09.2015 at about 11.30 AM he met the respondent at Hotel Geetha Regency and after meeting him, he came out between 1.50 PM and 2.00 PM. He admitted that as per Ex.P28 CD, he was seen at 14:04:16 hours arriving at the main gate of the jute mill on his motorcycle with Mallikarjuna Rao (P.W.2) on the pillion. From the said gate, he admitted that he proceeded on his motorcycle towards the west. He stated that the respondent informed him that he would visit the mill at 4.00 PM. He denied the suggestion that the respondent along with his staff, Rambabu and Ramesh, came there and he, along with Mallikarjuna Rao, took them into the mill premises through the south-west rear gate of the jute mill. He said that to his knowledge, he did not know whether the respondent knows about the jute mill premises and its gates and topography. He admitted that he informed the respondent of the existence of the above said rear gate to the jute mill but did not know as to the date on which he informed him. He said that he was not aware of the happenings at the jute mill on 28.07.2015 but was inside the mill on that day. He denied the suggestion that his statement that the respondent called him and informed him that he was stuck at the office of the DIG, Stamps and Registration, and could not visit the jute mill premises and that finally, he informed him that there was no necessity for him to assist him at the inspection as he managed to complete the process of registration with the information and documents provided by Mallikarjuna Rao was false. He also denied the suggestion that the respondent visited the mill premises on that day and at that time he was present inside the jute mill along with Mallikarjuna Rao.

The Certificate issued by Saradha Public School as to the inward and outward movement of Subba Rao on 29.09.2015 was marked as Ex.R1.

Vuyyuru Siva Venkata Krishna Rao, the Security In-charge of Sri Bajrang Jute Mills Private Limited, was examined as P.W.4. He filed his chief-examination affidavit dated 05.12.2015 and was cross-examined on 07.12.2015. He stated that there were 16 security personnel, including him, working at the mill and they worked in three shifts. Among them, one would be in charge and four would be guards. He stated that the CC cameras installed at the premises would not be under his control and the electrical engineer would check those cameras every day. The monitor concerning the CC cameras was not placed in the security office and therefore, they could not watch the monitor showing movements of the people. He stated that he was the security in-charge of the mill even in July, 2015 and no Government officials approached the security office on 28.07.2015 seeking permission to enter the premises. On the said day at about 11.00 AM, he stated that the workers and union people gathered at the gate of the factory and there was commotion. He stated that on 28.07.2015, he did not receive any instructions from the management of the mill that some Government officials would visit the premises.

Thota Satyanarayana, the Director and Authorized Signatory of Aditya Infratech Private Limited, the GPA holder, was examined as P.W.5. He filed his chief-examination affidavit dated 07.12.2015 and was cross-examined on 08.12.2015. He admitted that in the development agreement submitted to the respondent for registration, they showed 30,000 square feet with existing ACC structures, whereas the proposed built up area and the proposed structure was shown as 40,000 square feet. He also admitted that at the time of filing the said document, they had given an affidavit undertaking to pay the necessary stamp duty after measurement, if excess extent was found over and above 30,000 square feet. He said that after receiving the letter dated 29.09.2015, signed by the respondent on 30.09.2015, and received by them on 05.10.2015 at 5.00 PM, asking them to provide documents referred to therein along with approved plan or tentative plan so as to determine the market value and to arrive at the deficit stamp duty, they submitted their reply dated 23.10.2015 along with the required documents. He further stated that they provided age proof certificate of the structures as sought by the respondent and the annual balance sheet of the company. He denied the suggestion that the respondent visited the jute mill premises on 29.09.2015 at 4.00 PM. He submitted that on that day he was at Hyderabad but P.W.1, who was at Guntur, informed him as to what was happening at the jute mill on that day.

The respondent examined himself as R.W.1. His chief-examination affidavit, under Order 18 Rule 4 r/w Section 139 CPC, was filed on 10.12.2015. He marked Exs.R2 and R3. In his cross-examination on 11.12.2015, he stated that he did not measure all the structures in the jute mill mentioned in the pending development agreement during the inspection but only cross-checked a few of them as he already had measurement details supplied by Mallikarjuna Rao. Ex.R3, being the layout plan of the structures of the jute mill, was stated to have been supplied to him by Mallikarjuna Rao at Hotel Geetha Regency on 29.09.2015. He further stated that he also verified Ex.R2 municipal tax assessment. He denied the suggestion that these two documents were not supplied to him by Mallikarjuna Rao. He denied the suggestion that he had not visited the mill premises on 29.09.2015 at 4.00 PM. He admitted that in Ex.P11 notice dated 29.09.2015, he had not referred to either the presence of G.Subba Rao or of Mallikarjuna Rao at the time of his alleged inspection. He also admitted that there was no mention therein as to his entering the premises through another gate. He also admitted that he did not mention therein about his having cross-checked the measurements with the rough sketch-Ex.R3. He admitted that even in Exs.P12 and P13, he had not mentioned the presence of Subba Rao and Mallikarjuna Rao and about cross-checking of the measurements with reference to Exs.R2 and R3. He admitted that on receipt of Exs.P11 and P13 notices, the petitioner gave Ex.P14 reply. He admitted that he had mentioned in Ex.P13 that the market value guidelines register showed the value of the land as Rs.14,000/- per square yard. He further admitted that the market value certificate dated 07.04.2014 supplied by his office showed the market value of the premises at Rs.12,000/- per square yard. He admitted that along with the development agreement in question, the petitioner also submitted a gift deed executed by the jute mill authorities in favour of Guntur Municipal Corporation gifting 134.28 square metres for road widening, showing the market value at Rs.12,000/- per square yard and he registered the said gift deed with that value. He also admitted that in the development agreement, in the first line of page 5, there was a reference that 'they decided to develop the above land extent of Ac.7.79 cents of schedule A and B properties into a residential project either by shifting the said jute mill to another place or winding up in view of the dwindling demand'. He admitted that the document in question was a development agreement-cum-general power of attorney but not a document for sale of the industrial unit. The document was marked as Ex.P31. He admitted that in his additional counter-affidavit dated 26.10.2015 (Ex.P16), he did not mention anything about his cross-checking the measurements with reference to Exs.R2 and R3. The letter addressed by the Superintendent of Police, Guntur Urban, to the District Registrar asking him to fix a date for inspection was marked as Ex.P32. The respondent also admitted that for the first time in the additional counter-affidavit Ex.P16, he mentioned the names and the presence of P.Ws.2 and 3 during his inspection. He admitted that he did not request the District Registrar to provide additional staff for the purpose of inspection and taking measurements on 29.09.2015. He admitted that he had not given any requisition to the Superintendent of Police, Guntur Urban, in writing either on the prior dates or on 29.09.2015 about his proposed inspection of the jute mill. He added that he would have sought such protection from the Superintendent, but for the agreement between him and Subba Rao in good faith. He admitted that he did not obtain signatures of any of the officials of the jute mill in his joint report after the inspection and he did not secure the signatures of P.Ws.2 and 3 or the security personnel. He said that he did not take any photographs of the proceedings when he visited the premises on 29.09.2015 nor did he get them video-graphed. He admitted that he had neither taken the assistance of the police nor additional staff from the District Registrar and admitted that he did not give any prior notice in writing either to the jute mill authorities or to Aditya Infratech Private Limited or to any security guards about his proposed visit on 29.09.2015. He claimed that he orally informed, keeping in mind the earlier incident that occurred on 28.07.2015. He stated that he never measured the land on 29.09.2015 in the jute mill. He said that he did not know whether the other gate through which he had entered the premises was in the land already obtained by Aditya Infratech through a registered development agreement or in the land proposed for development under the document in question. He said that the said gate was 400 to 600 metres away from the main gate. To a specific question that if one enters through the gate he said that he had entered through, there would be sheds existing opposite to that gate and on taking a left turn there exists a gate and what did he say about that, he answered that he did not remember and added that he took measurements of a big shed after entering into the other gate and taking the first left. Another question posed to him was that the jute mill authorities had given numerical numbers to each of their sheds and could he give the number of the shed which he said he measured and he answered 'no'. He denied the suggestion that he had not made any physical verification by going into the jute mill and was therefore unable to give the particulars of the structures, the administrative building, the gates and their numbers. He admitted that he could not tell where the administrative building was and that he did not go to that building. He said that he only inspected one shed in the mill premises and it contained big machinery. He denied the suggestion that his statement that he had entered the mill premises and at that time P.Ws.2 and 3 were present and that he was accompanied by his staff and that Exs.R2 and R3 were given to him by P.Ws.2 and 3 was false. He denied the suggestion that as he did not make any personal inspection of the mill premises as claimed by him, he was not seen in Exs.P28 to P30 CC camera footage.

Chirumamilla Rambabu, Junior Assistant in the Sub-Registrar's Office, Nallapadu, was examined as R.W.2. His chief-examination affidavit is dated 10.12.2015. He was cross-examined on the same day. He stated that there was no occasion for him prior to 29.09.2015 to enter into the jute mill premises. He said that he did not know how many gates were there and at what places they were located. He also did not know the gate through which he entered along with the respondent and as to whether it belonged to the jute mill or to the premises which Aditya Infratech Private Limited had taken for development. He said that to enter the jute mill premises there were two gates and the first gate was near a mosque and the second gate was inside the premises. If one enters from the main gate, there is a tennis court. He said that he could not tell the measurements of the gate and he did not observe whether there existed fencing above the other gate. He could not tell the premises that came after entering through the other gate, whether it was the one that was already obtained by Aditya Infratech Private Limited or the other premises proposed to be obtained. He said that as soon as they entered the other gate, they could see structures. He further stated that there was no structure opposite to the other gate after entering through it. There are structures on either side. He however could not tell how many structures were existing in the jute mill premises. He could not tell whether the administrative office of the jute mill exists or not inside the premises that they entered. There was machinery in the shed situated on the right side after one entered the premises and took a left turn. He said that he could not say if they proceed to the jute mill premises now to make a personal inspection as to whether any machinery would be seen in the shed. He said that he had seen on the right side when one entered through the other gate and took a left turn. He however added that machinery was there at that time. He said that there were three sheds in a row. He denied the suggestion that if one enters through the other gate and immediately takes a left turn, there exist no sheds at all. He denied the suggestion that his statement that they reached the mill premises and P.Ws.2 and 3 took them along with them inside the premises through the other gate and handed over some papers to the respondent was false. He did not remember the number of the shed which they measured. He did not remember whether signatures of the persons present inside the mill were taken on papers at the time they did the inspection. He said that they did not go to the place where the main gate of the jute mill was situated and therefore, he could not tell whether any security post exists there. He denied the suggestion that at all the gates of the mill, security posts were there and security persons would always be present but as he had not actually gone there on that day, he was unable to give such particulars.

Unfortunately, the District Judge did not participate at all in the enquiry or put any questions to the witnesses. More particularly, he did not even examine the respondent in relation to his alleged visit on 29.09.2015 to the jute mill premises.

Another development which has some bearing upon this case may be taken note of. Application No.1 of 2017 (C.A.No.707 of 2017) was filed by the petitioner company to receive certain additional documents. The said application is ordered and the documents are taken on record. Applications dated 01.07.2015 and 02.07.2015 were addressed to the respondent under the Right to Information Act, 2005 (*for brevity*, 'the Act of 2005'), and he responded thereto, *vide* letters dated 04.08.2015 and 05.08.2015. Perusal thereof demonstrates that he admitted therein that he was aware of the order passed by this Court on 12.06.2015 on that day itself but claimed ignorance of its contents. He further claimed that the Government Pleader informed him about the said order on 17.06.2015.

Sri D.Prakash Reddy, learned senior counsel, would contend that the changing stands of the respondent as to when he came to know about the order dated 12.06.2015 passed in W.P.No.15679 of 2015 and its contents clearly demonstrate his lack of respect and regard towards this Court. He would point out that the learned Assistant Government Pleader made submissions before this Court on the said date after obtaining written instructions from the respondent, as is clearly evident from the order dated 12.06.2015, but the respondent claimed in his counter-affidavit dated 13.08.2015 that he was unaware of the order dated 12.06.2015 in W.P.No.15679 of 2015 when he passed the order of refusal on 15.06.2015 and that the order was communicated to him only on 17.06.2015. Learned senior counsel would therefore state that it is not open to the respondent to approbate and reprobate to suit his own convenience, ignoring the fact that he is facing contempt proceedings. He would also point out that the very same vacillation is evident in the stand of the respondent when it comes to the inspection purportedly made by him on 29.09.2015. No mention was made by the respondent of entering through a rear gate in his earlier affidavit and this was supplemented only when it was brought out that the petitioner company had video footage to show that the respondent did not enter the premises through the main gate or the other gate. He would also point out that no prior notice was given by the respondent before undertaking such an inspection which, in itself, is a factor to be considered, as these contempt proceedings were already pending consideration before this Court on that date. Learned senior counsel would assert that, knowing fully well that this Court was seized of the matter, the respondent would not have chosen to undertake an inspection without even putting the petitioner company or Aditya Infratech Private Limited on notice. He would therefore state that the claim of the respondent that he inspected the premises on 29.09.2015 is wholly untenable and factually incorrect. He would also point out that after the so-called inspection, the respondent issued a three page notice but surprisingly, he claimed that no such notice was necessary prior to the inspection. He would also rely upon the fact that the Superintendent of Police, Guntur, addressed letter dated 10.09.2015 to the District Registrar, Guntur, asking him to fix a date for the inspection so that necessary security arrangements would be provided and assert that it is difficult to believe that in spite of the police authorities coming forward to offer aid and when the District Registrar was asked to fix the date of inspection, the respondent would have brazenly undertaken inspection on 29.09.2015 without either putting anyone on notice and without even seeking police protection. He would also point out that after receipt of the notices dated 29.09.2015 and 16.10.2015, Aditya Infratech Private Limited addressed letter dated 23.10.2015 to the respondent.

Therein, it was pointed out that the market value of Rs.12,000/- per square yard had been adopted in relation to the gift of land to the municipal authorities for road widening under the gift deed dated 12.05.2015 and that the development agreement, kept pending as Document No.P/4999 dated 12.05.2015, would therefore have to be treated on the same lines. It was also brought to the notice of the respondent that the development agreement did not cover the plant and machinery, as was clear from the recital therein that the said plant and machinery would either be shifted to some other place or the unit would be wound up in view of the dwindling demand and fierce competition. It was also pointed out that the land, being an extent of Ac.7.79 cents, was proposed to be converted from industrial category to residential category so as to enable its development through plotting. The respondent was also informed that the age of the old structures was nearly 80 years as the jute mill was in existence since 1938 and only four structures/extended portions of the structures were less than 10 years old and in consequence, depreciation would have to be allowed for these structures. The respondent was further informed that as his later notice dated 16.10.2015 was a replication of his notice dated 29.09.2015, the reply should be treated as one in response to both the notices. Aditya Infratech Private Limited stated that it was looking forward to hearing from the respondent as to the deficit stamp duty payable, if any, and to release the document without further delay and irrelevant reasons. Admittedly, this was the last communication between the parties.

Sri D.Prakash Reddy, learned senior counsel, would point out that in spite of being informed that it was for the respondent to assess the deficit stamp duty and complete the registration formalities, he did nothing after 23.10.2015. He would also point out that there was a lot of political influence in play, owing to agitations by the jute mill workers, and therefore, the respondent, bowing to such pressure, deliberately failed to complete the registration formalities or take any steps in furtherance thereof, despite the clear direction of this Court to do so within a time frame. Learned senior counsel would state that under Section 47-A of the Indian Stamp Act, 1899 (*for brevity*, 'the Act of 1899'), if a registering authority has reason to believe that the market value set forth in an instrument is not true, the duty cast upon the authority is to refer the matter to the Collector for determining the value and point out that in the present case, though the respondent kept the document pending registration, he took no steps to refer the matter to the Collector for determination of the market value, notwithstanding the issues raised by the parties all through and even in their last letter dated 23.10.2015. He would therefore assert that even in terms of the statutory duty cast upon him, the respondent was somnolent. He would conclude by stating that the passing of the intimation of refusal dated 15.06.2015 coupled with the shifting stands of the respondent and his willful abstention from either completing the registration formalities or at least taking steps in terms of Section 47-A of the Act of 1899 clearly demonstrate his contumacious attitude, notwithstanding the mandate of this Court to complete the registration formalities, after inspection, within a time frame.

Per contra, Sri A.Sudershan Reddy, learned senior counsel representing Sri N.Vijaya Bhaskara Rao, learned counsel for the respondent, would state that the very fact that the respondent disclosed knowledge of the passing of the order by this Court on 12.06.2015 in his responses under the Act of 2005 clearly demonstrated that he had no ill-intention or motive to deceive this Court. Learned senior counsel would state that the respondent was orally informed by the Assistant Government Pleader to immediately dispose of the matter and that was the reason why he immediately issued the intimation of refusal on 15.06.2015. He would further state the only anxiety of the respondent was to see that the revenue due to the State was protected. He would further state that if directed by this court, the respondent would immediately refer the matter to the Collector. Learned senior counsel would state that the officer is young and his future would be affected if any adverse orders are passed against him at this stage and therefore, this Court should be sympathetic towards him and accept his unconditional apology, even if he committed contempt unwittingly.

In reply, Sri D.Prakash Reddy, learned senior counsel, would again point out that the respondent adopted one subterfuge after another to put off completion of the registration formalities in relation to the development agreement, be it for whatever reason. He would again point out that the learned Assistant Government Pleader, having heard the order being dictated on 12.06.2015 in open Court, was well aware that the respondent had to take necessary steps to complete the registration formalities only after inspection of the premises covered by the subject document and that this exercise had to be completed within a time frame and therefore, the respondent's claim that the Assistant Government Pleader told him to dispose of the pending matter as soon as possible, whereupon he rejected the document for registration by intimation of refusal dated 15.06.2015, is clearly a built up story. He would also point out that no such averment had been made in the three affidavits filed by the respondent and this argument was advanced as an afterthought during the hearing. Learned senior counsel would point out that the development agreement did not contemplate purchase of the plant and machinery but despite the same, the respondent insisted upon stamp duty being paid upon the value of the plant and machinery, by treating it as part of the immovable property. He would further point out that it is not necessary that this Court should give permission to the respondent to discharge his statutory duty under Section 47-A(1) of the Act of 1899 and once this Court directed him to complete the registration formalities within a time frame, he ought to have straightaway done his assessment or referred the matter in terms of the *proviso* to Section 47-A(1) of the Act of 1899, if he thought it fit to do so, instead of keeping the issue hanging for all these years. He would rely upon the reply addressed by the respondent in the context of the queries put to him under the Act of 2005, wherein he admitted that he had knowledge of the passing of the order by this Court on 12.06.2015 but not the contents thereof and assert that the statement to the contrary in the counter-affidavit that he was not even aware of the said order when he passed the intimation of refusal on 15.06.2015 clearly demonstrated his act of contempt.

It may be noted that W.P.No.21606 of 2015 was filed by the petitioner company assailing the intimation of refusal dated 15.06.2015 and it was allowed, *vide* order dated 20.07.2015. A learned Judge of this Court took note of the submissions made on behalf of the petitioner company that as per a news item published in various newspapers, a meeting was held under the chairmanship of the District Collector and a collective decision was taken with the active participation of the District Registrar and the Sub-Registrar, the respondent herein, as well as other officers, trade union leaders etc. and that the intimation of refusal was the result of such deliberations. Significantly, the counter filed by the authorities sought to justify the intimation of refusal on the ground that it was in keeping with the Rules under the Registration Act, 1908 and the Act of 1899. The learned Judge however set aside the intimation of refusal and remitted the matter to the Sub-Registrar, Nallapadu, the respondent herein, who was directed to independently examine the matter and give effect to the order dated 12.06.2015 passed by this Court. He was given liberty to call upon the petitioner to arrange for inspection of the property covered by the document, inspect the premises, satisfy himself as to the description and value of the property and if there was any deficit stamp duty payable by the petitioner, give an appropriate notice to the petitioner to pay the same. He was also given liberty to seek clarification from the petitioner with regard to compliance with Rule 151 of the Rules framed under the Registration Act, 1908 and also Sections 21 and 22 of the Registration Act, 1908 and thereafter process the document by taking appropriate further steps.

Sri A.Sudershan Reddy, learned senior counsel, placed reliance on VISWAJEET KHANNA V/s. SUKHWINDER SINGH[1], wherein the

[1] (2017) 9 SCC 608

Supreme Court observed that once a report was submitted as to compliance with the direction of the Court, the contemnor would purge himself of the contempt and the issue would be as to the correctness of the report submitted and a separate challenge would have to be made with regard to the same in an appropriate proceeding. However, this principle has no application to the case on hand as the intimation of refusal dated 15.06.2015 allegedly constituted contempt in itself and in any event, it has already been set aside in W.P.No.21606 of 2015 and the respondent was directed to obey the mandate of the order dated 12.06.2015 in W.P.No.15679 of 2015.

In these contempt proceedings, the initial stand of the respondent was that the property, which was the subject matter of the document in question, had to be inspected for proper assessment of the market value thereof and in consequence, the stamp duty payable. Taking note of his stand, this Court passed the order dated 12.06.2015 directing him to take necessary steps to complete the registration formalities and thereafter release the subject document in accordance with the due procedure. This direction was issued, taking into account the readiness of the petitioner company to allow the registration authorities to inspect the property so as to decide the stamp duty payable on the document. The order dated 12.06.2015 was passed by this Court after hearing the learned Assistant Government Pleader who made submissions on the basis of the instructions given to him by the respondent. Having given instructions to the effect that the document in question was kept pending only due to the fact that the stamp duty payable thereon had not been assessed for want of an inspection, the respondent strangely issued the intimation of refusal dated 15.06.2015, whereby he refused to register the document in question citing wholly different reasons.

Significantly, the respondent was well aware of the instructions that he had given the learned Assistant Government Pleader on 12.06.2015 even if he claimed ignorance of the contents of the order passed on that day. Knowing that he had taken that particular stand, his passing the intimation of refusal three days later on grounds contrary to his own stand is curious, to put it mildly. Further, being aware of the fact that this Court had passed a final order in the case on 12.06.2015, his hurried act of refusing registration on 15.06.2015, without even bothering to know the contents of the order, indicates a blatant attempt on his part to pre-empt the said order.

In any event, this intimation of refusal has already been set aside by this Court in W.P.No.21606 of 2015, *vide* order dated 20.07.2015. This Court again left it open to the respondent herein to call upon the petitioner company to arrange for an inspection of the property covered by the document; to inspect the said premises and to satisfy himself as to the description and value of the property; and if there was any deficit stamp duty payable by the petitioner company, to give an appropriate notice to it to pay the same; to seek a clarification from the petitioner company with regard to compliance with Rule 151 of the Rules framed under the Registration Act, 1908 and Sections 21 and 22 of the Registration Act, 1908; and thereafter process the document and take appropriate further steps in accordance with law.

The respondent made an attempt to inspect the property in question on 28.07.2015 but failed due to the agitation by the workers of the Jute Mill, who assembled at the premises. It is an admitted fact that upon such failure, he informed the District Registrar to the effect that he would require police assistance to carry out the inspection. It is also an admitted fact that the Superintendent of Police, Guntur Urban, gave an assurance that he would provide the required police protection as and when he was informed of the proposed date of inspection. It may also be noted that this contempt case was already pending before this Court by then, as it was filed on 30.06.2015. In such circumstances, the version of the respondent that he undertook a clandestine inspection on 29.09.2015 without intimation to the District Registrar or the Superintendent of Police, Guntur Urban, or the petitioner company or its GPA holder, is difficult to believe. He claimed that he undertook such inspection with the involvement of G.Subba Rao and D.Mallikarjuna Rao but admitted that he did not even obtain their signatures in proof of their participation. As per the testimony of D.Mallikarjuna Rao and G.Subba Rao, the respondent met them on 29.09.2015 at Hotel Geetha Residency and promised to undertake the inspection at 4.00 PM on that day after giving prior notice. They further stated that the inspection did not take place at all as the respondent did not come to the premises on that day. According to G.Subba Rao, the respondent spoke to him time and again and finally informed him that there was no necessity for an inspection as he completed the process with the information and documents provided by D.Mallikarjuna Rao. Surprisingly, the respondent took no steps to disprove these statements. It would have been very easy for him to produce his own mobile phone call details of that period to show that there were no such conversations, had it been so.

Further, the claim of the respondent that he inspected one shed in the Jute Mill premises on that day is negatived by the fact that he did not even know the shed number though it appears that each shed is given a number. The CC camera footage (Exs.P28 to P30) is admissible evidence as Certificate dated 10.10.2015 was marked by the Electrical Engineer of Bajrang Jute Mills Private Limited in relation thereto, duly satisfying the requirements of

Section 65B(4) of the Indian Evidence Act, 1872. Perusal of this footage demonstrates the presence of D.Mallikarjuna Rao and G.Subba Rao at the factory premises during the day time and more particularly, in the afternoon hours of 29.09.2015. However, as has been brought out by them, they were under the impression that the respondent would undertake an inspection at 4.00 PM on that day after giving prior notice. That accounts for their presence and also the fact that D.Mallikarjuna Rao was carrying documents. There is however no evidence in the footage of the respondent visiting the Jute Mill premises at any point of time or any measurements being taken. The ignorance exhibited by the respondent as to the topography within the Jute Mill premises clearly sets at naught his claim that he personally visited and inspected the said premises on 29.09.2015 at 4.00 PM. Surprisingly, though he was well aware of the fact that these contempt proceedings were pending and more so, as he was undertaking a clandestine inspection without intimation to the District Registrar or the Superintendent of Police or even the parties to the document, the least that was expected of him was that he would maintain a proper record of such inspection. He however admitted that he did not take any photographs of the alleged inspection or videograph it. He also admitted that he did not obtain the signatures of any one present at the Jute Mill premises, including D.Mallikarjuna Rao, G.Subba Rao and the security personnel.

Further, as rightly pointed out by Sri D.Prakash Reddy, learned senior counsel, the respondent, on the one hand, claimed ignorance of the order dated 12.06.2015 passed by this Court though he had given instructions to the learned Assistant Government Pleader to make his submissions on that date, but on the other, an argument was advanced on his behalf during the hearing that he had been told by the learned Assistant Government Pleader to dispose of the pending matter as soon as possible and thereupon, he rejected the document for registration under the intimation of refusal dated 15.06.2015. Significantly, this story was not put forth in the three affidavits filed by the respondent. It may also be noted that the respondent did not mention the fact that he entered the Jute Mill premises through a rear gate in his earlier affidavit and he came up with this story only when the petitioner company claimed that it had footage to show that the respondent did not enter the premises through the main gate or the other gate.

After his purported inspection of the Jute Mill premises on 29.09.2015, the respondent issued notice dated 29.09.2015, signed by him on 30.09.2015, calling upon the parties to the document to provide certain material, including a plan of the proposed/tentative construction, so that he could assess and determine the market value and arrive at the deficit stamp duty and registration fee payable thereon. He thereafter issued another notice dated 16.10.2015 reminding the parties to provide the said material to enable him to assess and determine the market value and arrive at the deficit stamp duty. By letter dated 23.10.2015, Aditya Infratech Private Limited informed the respondent that a plan of the proposed/tentative construction had already been annexed to the document submitted for registration. Aditya Infratech Private Limited also addressed the other issues raised by the respondent and ended the letter by saying that it was looking forward to hearing from the respondent as to the deficit stamp duty payable, if any, and release of the document without further delay. Admittedly, after receipt of this letter, the respondent did nothing in the matter. As he claimed to have completed the inspection on 29.09.2015 and purportedly took relevant measurements within the Jute Mill premises, it was for him to either accept or reject what was stated by Aditya Infratech Private Limited in its letter dated 23.10.2015 and proceed further in the matter. If he was in a position to assess the stamp duty payable, he ought to have completed that exercise or if he was of the opinion that there was undervaluation and that his own valuation was not being accepted by the parties, he could have referred the matter to the Collector under Section 47-A(1) of the Act of 1899.

Chapter IV of the Act of 1899 deals with 'Instruments not duly stamped'. Section 47-A therein states as to how instruments of conveyance, etc., which are undervalued should be dealt with. Sub-section (1) thereof provides that where the registering officer has reason to believe, while registering any instrument of conveyance relating to construction, development or sale of immovable property, that the market value of such property has not been truly set forth in the instrument, or that the value arrived at by him as per the guidelines has not been adopted by the parties, he may keep pending such instrument, and refer the matter to the Collector for determination of the market value of the property and the proper duty payable thereon. It was obviously in exercise of power under this statutory provision that the respondent kept the document in question pending registration. The *proviso* to Section 47-A(1) states that no reference should be made by the registering officer to the Collector unless an amount equal to 50% of the deficit duty arrived at by him is deposited by the party concerned. Section 47-A(2) provides for the procedure to be followed by the Collector upon such reference.

It may be noted that in MOHD. ABBAS SHAFI V/s. SUB-REGISTRAR, KHAIRATABAD[2], a Division Bench of this Court was considering the question as to whether a registering officer is required to

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[2] 1996 (3) ALD 459 (DB) : 1996 (3) ALT 976 (DB)

give a hearing to the party who presented a document for registration in the event he forms the opinion that he should initiate proceedings under Section 47-A(1) of the Act of 1899 and whether the right of hearing inheres in a party who presented the document as the opinion that the document is undervalued cannot be reached behind his back as it involves civil consequences. The Division Bench however came to the conclusion that the registering officer does not decide a *lis* between himself and the presenting party and the conclusion reached by him as to the deficit duty is not objective but only subjective. It may, of course, be that in reaching the conclusion he may, if he feels it necessary, ask the party for further materials, *per* the Division Bench, but there is nothing in law which requires him to comply with the procedure of furnishing an opportunity of hearing to the presenting party. The registering officer was therefore held to be under no compulsion or necessity to afford participation to a presenting party in the opinion formulation process leading to the recommendation by him under Section 47-A of the Act of 1899.

The respondent therefore did not even have to put the parties on notice if he was of the opinion that they were undervaluing the property in question and could have unilaterally taken the decision to refer the matter to the Collector, after quantifying the stamp duty payable as per his calculation. Strangely, he completely ignored the aforestated statutory procedure and simply kept the document pending registration with himself. In effect, the document has just been lying with the respondent gathering dust since June, 2015. Being a statutory authority, the respondent ought to have been aware of what is required of him under the provisions of the statute. It is not for this Court to permit him or to direct him to make a reference under Section 47-A(1) of the Act of 1899, as suggested by Sri A.Sudershan Reddy, learned senior counsel. When this Court clearly directed the respondent to complete the inspection and the registration formalities within a time frame, the very fact that the respondent did nothing in the matter after October, 2015, when he received the letter of Aditya Infratech Private Limited, clearly shows his indifference to the mandate of this Court.

That apart, his changing stand throughout these proceedings, compounded by his claim of having conducted an inspection surreptitiously on 29.09.2015, adds insult to injury. The Minutes of the joint meeting held on 10.06.2015 under the Chairmanship of the District Collector, Guntur, wherein the respondent was also present, are placed on record. This meeting was specifically referred to in the order dated 20.07.2015 passed by this Court in W.P.No.21606 of 2015. Perusal of the Minutes demonstrates that the District Collector concluded the meeting with the finding that the management should run the Jute Mill 'in a full-fledged manner' keeping in mind the welfare of the workers and requested the management to withdraw their development agreement pending before the Registration authorities. The pressure that must have been brought to bear upon the respondent in the context of the aforestated decision of the District Collector is clearly brought out by his intimation of refusal dated 15.06.2015, wherein he cited the workers agitation as a ground for refusing registration of the document. Such a ground could not have been taken by him at all in law. However, it gives a clear indication as to why the respondent chose to tread the path that he did, so that the document was kept pending registration by him for all these years. In doing so, he made a wilful choice to remain unresponsive to the directions of this Court not only in the order dated 12.06.2015 passed in W.P.No.15679 of 2015 but also the later order dated 20.07.2015 in W.P.No.21606 of 2015. Except for offering apologies, he has no justifiable explanation as to his failure in dealing with the document in question as per the due procedure. This barefaced recalcitrance on his part cannot be ignored by this Court merely because the Officer, who is not even of tender years as stated by Sri A.Sudershan Reddy, learned senior counsel, being 45 years of age, has a long career ahead of him.

Be it noted that in ASHOK PAPER KAMGAR UNION V/s. DHARAM GODHA[3], the Supreme Court observed as under:

> 'Section 2(b) of the Contempt of Courts Act defines "civil contempt" and it means willful disobedience to any judgment, decree, direction, order, writ or other process of a court or willful breach of undertaking given to a court. "Willful" means an act or omission which is done voluntarily and intentionally and with the specific intent to do something the law forbids or with the specific intent to fail to do something the law requires to be done, that is to say, with bad purpose either to disobey or to disregard the law. It signifies a deliberate action done with evil intent or with a bad motive or purpose. Therefore, in order to constitute contempt the order of the court must be of such a nature which is capable of execution by the person charged in normal circumstances. It should not require any extraordinary effort nor should be dependent, either wholly or in part, upon any act or omission of a third party for its compliance….'

Again, in RAM KISHAN V/s. TARUN BAJAJ[4], the Supreme Court observed thus:

> 'Thus, in order to punish a contemnor, it has to be established that disobedience of the order is 'wilful'. The word 'wilful' introduces a mental element and hence, requires looking into the mind of person/contemnor by gauging his actions, which is an indication of one's state of mind. 'Wilful' means knowingly intentional, conscious, calculated and deliberate with full knowledge of consequences flowing therefrom. It excludes casual, accidental, bona fide or unintentional acts or genuine inability. Wilful acts does not encompass involuntarily or negligent actions. The act has to be done with a "bad purpose or without justifiable excuse or stubbornly, obstinately or perversely". Wilful act is to be distinguished from an act done carelessly, thoughtlessly, heedlessly or inadvertently. It does not include any act done negligently or involuntarily. The deliberate conduct of a person means that he knows what he is doing and intends to do the same. Therefore, there has to be a calculated action with evil motive on his

[3] (2003) 11 SCC 1

[4] (2014) 16 SCC 204

> part. Even if there is a disobedience of an order, but such disobedience is the result of some compelling circumstances under which it was not possible for the contemnor to comply with the order, the contemnor cannot be punished. "Committal or sequestration will not be ordered unless contempt involves a degree of default or misconduct"...'

Viewed in the context of the aforestated legal principles, the acts of the respondent in passing the intimation of refusal on 15.06.2015 in patent violation of the order dated 12.06.2015 in W.P.No.15679 of 2015 and in still continuing to ignore the time frame stipulated by this Court, inasmuch as he is still keeping the document pending registration with himself, clearly manifest wilful and intentional disobedience. He is therefore liable to be punished under Section 12 of the Act of 1971 for 'civil contempt' as defined under Section 2(b) of the Act of 1971.

That apart, by his deliberate act of keeping the document in question on hold for all these years, the respondent stalled the development proposed to be undertaken by the parties thereunder. The loss caused to them by this delay would be enormous. He is therefore liable to pay exemplary costs.

The contempt case is accordingly ordered. Application No.1 of 2017 (C.A.No.707 of 2017) is also ordered. The respondent is sentenced to civil imprisonment for six months in accordance with the due procedure as set out in Rule 32 of the A.P. High Court Rules under the Contempt of Courts Act, 1971 and he shall also pay a fine of Rs.2,000/-. He shall also pay exemplary costs of Rs.1,00,000/- to the petitioner company. His subsistence allowance is fixed at Rs.400/- per day. This order shall remain suspended for a period of three weeks to enable the respondent to avail appellate remedies, if he so chooses.

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SANJAY KUMAR, J

14th SEPTEMBER, 2018

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