

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :15-02-2019

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

Contempt Petition No.230 of 2019

K.Pandi .. Petitioner

- Vs. -

Er.N.Sasidharan, M.E.,
The Superintending Engineer,
General Construction Circle
(TANGEDCO) K.Pudur,
Madurai-7. .. Respondent

Prayer: This Contempt Petition is filed under Section 11 of the Contempt of Courts Act, 1971, to punish the respondent herein for disobeying the order dated 28.3.2013 passed by this Court in WP No.5490 of 2008.

For Petitioner : Mr.G.Anandakumar for
M/s.Thamizharasi Law Firm

For Respondent : Mr.P.R.Dhilipkumar,
Standing Counsel for TNEB.

सत्यमेव जयते

O R D E R

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The present contempt petition is filed to punish the respondent for disobeying the order dated 23.8.2013 passed in WP No.5490 of 2008.

2. The learned counsel for the contempt petitioner states that against the order passed in WP No.5490 of 2008, the respondent preferred a writ appeal and the writ appeal also was dismissed by the Hon'ble Division

Bench of this Court on 9.2.2018. Thereafter, the respondent had settled the recovered amount and the interest, as applicable, has not been paid.

3. It is relevant to extract the order passed in WP 5490 of 2008, which reads as under:-

"Therefore, this writ petition is allowed. The respondents are directed to refund the amount already recovered, to the petitioner within a period of eight weeks from the date of receipt of a copy of this order. There shall be no order as to costs. Consequently, M.P.No.1 of 2009 is closed."

4. The respondent is directed to refund the amount already recovered and this Court had not considered the interest claim of the contempt petitioner in the writ petition. Thus, the entitlement of interest had not been adjudicated by this Court in the original writ petition.

5. In this view of the matter, this Court cannot initiate any contempt proceedings against the respondent under the provisions of the Contempt of Courts Act, 1971 as the orders of this Court had not been violated and the amount already recovered had been refunded to the contempt

6. Admittedly, this being the factum, it is left open to the contempt petitioner to approach the authorities, if he is otherwise eligible to get interest as per the Rules.

7. With the above observations, the contempt petition stands closed. However, there shall be no order as to costs.

svn

SD/-
ASSISTANT REGISTRAR (COMM. CASES)

//Certified to be true copy//

Dated at Madras this the day of 2019.

COURT OFFICER (O.S.)

from 25th day of September 2008 the Registry is issuing Certified copies of the Orders/Judgments/Decrees in this format.

PS/22/02/2019

To

The Superintending Engineer,
General Construction Circle
(TANGEDCO) K.Pudur,
Madurai-7.

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