IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 23RD DAY OF DECEMBER, 2020

PRESENT

THE HON'BLE MR.ABHAY S. OKA, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE S.VISHWAJITH SHETTY

C.C.C. NO. 256 OF 2020 (CIVIL)

BETWEEN:

S. RANGASWAMY, ADVOCATE
S/O LATE KALEGOWDA
AGED 66 YEARS
HAVING HIS LAW OFFICE AT NO.319
III FLOOR (WEST SIDE ENTRANCE)
KARNATAKA PRADESH KURUBARA SANGHA BLDG.
II MAIN, GANDHINAGAR
BENGALURU.

….. COMPLAINANT

(BY SHRI C.CHENNEGOWDA, ADVOCATE)

AND

SRI G.C. PRAKASH
COMMISSIONER
BENGALURU DEVELOPMENT AUTHORITY
KUMARA PARK WEST
BENGALURU – 560 020

….. ACCUSED

(BY SHRI K. KRISHNA, ADVOCATE)

THIS C.C.C. IS FILED UNDER SECTIONS 11 AND 12 OF THE CONTEMPT OF COURTS ACT, 1971, READ WITH ARTICLE 215 OF THE CONSTITUTION OF INDIA PRAYING TO INITIATE CONTEMPT PROCEEDINGS AGAINST THE

ACCUSED AND TO PUNISH THE ACCUSED FOR HAVING DISOBEYED THE ORDER DATED 29.3.2019 PASSED IN WP 52403/2018 AS PER ANNEXURE-A AND ETC.

THIS C.C.C. COMING ON FOR ORDERS THROUGH VIDEO CONFERENCING THIS DAY, ***CHIEF JUSTICE*** MADE THE FOLLOWING:

ORDER

The learned counsel appearing for the accused has tendered an affidavit reporting compliance by making the necessary payment on 22nd December, 2020 to the complainant.

2. The complainant was a panel advocate of Bengaluru Development Authority (for short, "BDA"). His grievance was that his professional charges were not paid by BDA. After serving a legal notice, he filed a writ petition in which the order of which breach is alleged, was passed. A direction was issued by the order dated 29th March, 2019 directing BDA to consider the representation with regard to the grievances raised in the petition and to pass an order within a period of four months.

3. Now, in the affidavit filed by the respondent-accused, it is stated that after receipt of a certified copy of the order, efforts were made to comply with the order. But due to administrative procedure, it could not be complied with. Ultimately, it was found that the complainant is entitled to receive Rs.1,26,200/-. The amount has been paid to him on 22nd December, 2020.

4. There is absolutely no explanation in the affidavit for the long delay in making compliance of the order except for setting out the lame excuse of administrative procedure. Though the respondent-accused has tendered an apology, he cannot be let off unless an order is passed for payment of costs. It is pertinent to note that the complainant was a panel advocate of BDA.

5. BDA has treated its own panel advocate in such a manner. Therefore, we quantify costs at Rs.15,000/- (rupees fifteen thousand). As the complainant is a member of the Bar, we direct that the costs will be payable to Karnataka State Legal Services Authority.

6. Accordingly, we pass the following order:

ORDER

(i) The apology tendered by the respondent-accused is accepted;

(ii) The notice issued is discharged and the contempt petition is disposed of;

(iii) The respondent-accused shall pay costs quantified at Rs.15,000/- (Rupees fifteen thousand) to Karnataka State Legal Services Authority within one month from today;

(iv) Though this petition is disposed of, for reporting compliance with the order regarding payment of costs, the petition shall be listed on 29th January, 2021 under the caption of 'Orders.'

Sd/-
CHIEF JUSTICE

Sd/-
JUDGE

vgh*