

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**CONTEMPT PETITION NO. 179 OF 2021
IN
WRIT PETITION NO. 2921 OF 2019**

K.T.Steel Company and Ors.

...Petitioners

vs.

Sanjeev Kumar and Anr.

...Respondents

Mr. Vishal Narichania with Mr. Rahul Jain and Ms. Akriti Shikha i/b
HSA Associates for Petitioner.

Ms. Shruti D. Vyas,'B' Panel Counsel for State-Respondents.

**CORAM : NITIN JAMDAR AND
ABHAY AHUJA, JJ.**

DATE : 28 FEBRUARY 2023

P.C. :

. This Contempt Petition is filed alleging that Respondents have committed contempt of the order dated 13 November 2019 in Writ Petition No. 2921 of 2009.

2 This Petition was filed for direction to Respondents to issue a certificate to the Revenue Authorities to the effect that no amount is due and recoverable from the Petitioner. The order disposing of the Writ Petition notes that the Petitioner had restricted their prayers only for direction to the office of the State Commissioner to issue a no dues certificate. The Petition was disposed of on a statement

made on behalf of the State Tax Commissioner that within a period of four weeks from today on the basis of record available with them the Respondents can issue necessary certificate/communication reflecting the correct state of affairs with regard to the dues payable. After the Contempt Petition is filed, we are informed that the certificate is issued stating that the records are not available being very old and that is the position which is communicated in the certificate.

3 Learned Counsel for the Petitioner submits that Respondents have committed a contempt of this Court because a certificate evidencing no dues payable is not issued by the Respondents.

4 The Division Bench, while disposing the writ petition accepted the statement which was not that No Dues certificate would be issued but a certificate reflecting correct state of affairs. Therefore, giving a certificate which according to the Respondents was a correct state of affairs is a possible interpretation of the order dated 13 November 2019. We have to keep in mind the distinction between the writ jurisdiction and contempt jurisdiction.

5 That being the position, we do not find that the action of the Respondents is of deliberate defiance of the order dated 13 November 2009. If the Petitioner seeks to question the action of the Respondents now taken, it is open to the Petitioner to do so, but not by invoking contempt jurisdiction.

6 Keeping the contentions of the Petitioner open, in case the Petitioner files a Writ Petition, the Contempt Petition is disposed of.

(ABHAY AHUJA, J.)

(NITIN JAMDAR, J.)

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