



WEB COPY



Cont.P.No.424 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.03.2023

CORAM :

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

Contempt Petition No.424 of 2023

N.Palamalai

.. Petitioner

Vs.

Mr.Ramachandran
The Superintending Engineer (Civil)
Tamil Nadu Electricity Board,
Hydro Project,
Surampatti,
Erode – 600 009.

.. Respondent

PRAYER: Contempt Petition filed Under Section 11 of Contempt of Courts Act, 1971, to punish the respondent for willful disobedience of the order made in W.P.No.28474 of 2014 dated 31.10.2014.

For Petitioner : Mr.C.Munusamy

For Respondent : Mr.K.Arun Prasad
For TANGEDCO

ORDER

The contempt petition has been filed to punish the respondent for willful disobedience of the order made in W.P.No.28474 of 2014 dated 31.10.2014.



Cont.P.No.424 of 2023

WEB COPY 2. This Court passed an order on 31.10.2014 in W.P.No.28474 of 2014 as follows:

“Considering the limited nature of the prayer sought and without expressing any opinion on the merits of the case, the writ petition is disposed of with a direction to the respondent to consider the representation of the petitioner dated 22.09.2014 on merits and pass appropriate orders thereon in accordance with law, within a period of two weeks from the date of receipt of a copy of this order.”

3. The learned counsel for the petitioner made a submission that pursuant to the orders passed in the writ petition on 31.10.2014, the Additional Chief Engineer (Civil) passed an order on 18.12.2014, wherein the respondents admitted that they are liable to pay a sum of Rs.2,43,292/- and the said amount has not been paid.

4. The learned Standing counsel appearing on behalf of the respondents made a submission that the petitioner without obtaining proper permission from the competent authorities, executed the work and there are certain disputes in respect of performing the contractual obligations. The petitioner being a contractor, committed certain



Cont.P.No.424 of 2023

irregularities in the matter of execution of works and thus, the contempt petition is liable to be dismissed.

5. This Court passed an order to consider the representation submitted by the writ petitioner. The order was passed on 31.10.2014. The contempt petition has been filed after a lapse of about 8 ½ years. Thus, the contempt petition itself is not maintainable and liable to be rejected on the ground of limitation.

6. That apart, the disputes relating to contractual obligations cannot be adjudicated in a contempt proceedings and even in a writ proceedings. All such disputes are to be adjudicated with reference to the documents and evidences and this Court passed an order, only to consider the representation and the said representation was considered and an order was passed by the authorities on 18.12.2014.

7. That being the factum, if any grievances exists regarding the contractual obligations, the contempt petitioner has to approach the competent Civil Court for the purpose of resolving the issues.



Cont.P.No.424 of 2023

8. With these observations, the contempt petition stands dismissed.

No costs.

20.03.2023

Index : Yes
Speaking order: Yes/No
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WEB COPY



Cont.P.No.424 of 2023

S.M.SUBRAMANIAM, J.

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Cont.P.No.424 of 2023

20.03.2023