



Cont.P(MD)No.713 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 02.02.2023

CORAM

**THE HON'BLE DR.JUSTICE G.JAYACHANDRAN
AND
THE HON'BLE MR.JUSTICE MR.JUSTICE SUNDER MOHAN**

**Cont.P(MD)Nos.713 & 714 of 2020
in
W.A(MD)Nos.500 & 501 of 2019**

P.Arjun

.. Petitioner
in Cont.P(MD)713/2020

P.Udhayanand

.. Petitioner
in Cont.P(MD)714/2020

Vs.

1. Thiru. Prashant M.Wadnere, I.A.S.
The District Collector,
Kanyakumari District,
Nagercoil.

2. Tmt. Asha Ajith, I.A.S.
The Commissioner,
The Nagercoil Municipality,
166, Balamore Road,
Nagercoil – 629001
Kanyakumari District.

.. Contemnors/Respondents
in both cases



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COMMON PRAYER: Contempt Petitions filed under Section 11 of the Contempt of Courts Act, 1971, to punish the contemnor/respondents herein for their wilful disobedience of the order passed by this Court in W.A(MD)Nos.500 & 501 of 2019 dated 14.08.2019.

In both cases:

For Petitioner : Mr.N.Dilip Kumar

For Respondents : Mr.D.Sasikumar
Additional Government Pleader
for R1
: Mr. P.Athimoola Pandian
Standing Counsel
for R2

COMMON ORDER

DR.G.JAYACHANDRAN, J.
and
SUNDER MOHAN, J.

These two contempt petitions were filed by Arjun and Udayanand, who are the writ petitioners in W.P(MD)Nos.15577 & 15578 of 2018 respectively. They sought for mandamus directing the second respondent



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Nagercoil Municipality to return the earnest money deposited by them with rental advance since the auction conducted by the municipality in which these petitioners were successful bidders could not fructify inspite of paying the rental advance. The learned Single Judge of this Court allowed the writ petitions to refund the earnest money and rental advance with interest. On appeal by the Municipality, the order of the learned Single Judge is modified to the effect that it is suffice to return the earnest money, rental advance without interest. This order was not complied by the corporation. Hence these contempt petitions filed to punish the contemnors for noncompliance and disobedience of the order passed by the Division Bench.

2. It is represented that pending contempt petitions, the Commissioner, Nagercoil Municipality has refunded the money to these two writ petitioners except the GST deducted and remitted to the Sales Tax Department. Since the contract itself has got frustrated and no service was rendered to pay service tax, this Court directed the learned Standing Counsel to issue proceedings with full details of receipt and repayment along with the payment of GST to the Commercial Department with



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necessary particulars so as to enable the petitioners to get refund of the GST from the Commercial Department. Accordingly, the learned Standing Counsel has furnished the details which indicates that in the case of Arjun, the petitioner in W.P(MD)No.15577 of 2018, a sum of Rs.3,96,000/- been deducted towards service tax and remitted to the Commercial Department. As far as Udhayanand, the petitioner in W.P(MD)No.15578 of 2018, a sum of Rs.5,18,400/- been deducted towards GST and remitted to the Commercial Department. Balance amount has already been paid in instalments to the petitioners and they have no grievance.

3. In the light of the above fact, it is suffice to direct the Commissioner, Nagercoil to issue NOC to the petitioners for getting refund of the GST remitted to the Commercial Department.

4. With this direction, these contempt petitions are closed.

[G.J.,J.] & [S.M.,J.]
02.02.2023

PJL



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