



2024 : DHC : 3093



* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
% **Reserved on : 22nd January, 2024**
Pronounced on: 16th April, 2024

+ **CONT.CAS(C) 272/2018**
KAMAL BHASIN Petitioner

Through: In person.

versus

GHANSHYAM KUMAR & ANR. Respondents

Through: Mr. Ruchir Mishra, Mr. Sanjiv
Kumar Saxena, Mr. Mukesh
Kumar Tiwari, Ms. Poonam
Shukla and Ms. Reba Jena Mishra

CORAM:
HON'BLE MR. JUSTICE CHANDRA DHARI SINGH

J U D G M E N T

CHANDRA DHARI SINGH, J.

FACTUAL MATRIX

1. The respondent no. 1 in the present case is the Chief Public Information Officer, Vigilance and Complaints at the Cabinet Secretariat ('respondent CPIO' hereinafter) and the respondent no. 2 is the Chief Information Commissioner ('CIC' hereinafter).

2. The crux of the factual scenario in the present case is that the Officers Association of Power Finance Corporation ('PFC' hereinafter) had filed a complaint dated 3rd September, 2010 against the then Chairman-cum-Managing Director ('CMD' hereinafter) on alleged irregularities and dubious conduct. *Inter alia* the charge made against the CMD was that he was running a private limited company namely M/s



Legendry Legal and Management Services Private Limited, from the residential accommodation leased by the PFC. In addition to the said allegation, it was also alleged that the PFC had suffered a loss of Rs.27 crores with regard to settlement of dispute with one of the borrowers and the said loss was incurred at the instance of the then CMD.

3. Pursuant to filing of the said complaint, the petitioner herein filed an RTI application dated 14th November, 2011 seeking information from the CPIO of the Ministry of Power. The petitioner received information about the stage of inquiry against the CMD by the relevant authorities *vide* its letter dated 25th November, 2011, however, the inquiry report was not shared with the petitioner.

4. Thereafter, the petitioner preferred another RTI dated 11th November, 2013 with the respondent CPIO requesting for records and status of the action taken with regard to the complaints filed against the CMD, whereby, the CPIO stated that the complaints against the CMD were investigated by the group of officers constituted *vide* OM No. 15(1)/2010-DPE(GM) dated 11th March, 2010 and the same were thereby, disposed of.

5. Aggrieved by alleged non-sharing of other relevant information, the petitioner filed the first appeal before the Appellate Authority (FAA) which was dismissed *vide* order dated 12th January, 2014 on the ground that the information sought by the petitioner was personal information not covered under the RTI Act. The said decision was upheld by the respondent CIC *vide* order dated 5th April, 2016.

6. Thereafter, the petitioner preferred a writ petition bearing no. 7218/2016 before this Court and the same was disposed of *vide* order



dated 1st November, 2017 whereby, the respondents were directed to provide details to the petitioner

7. In accordance with the above said order, the respondent CPIO sent letters dated 23rd November, 2017, 8th January, 2018 & 2nd April, 2018, thereby, claiming to have complied with the directions of this Court.

8. Aggrieved by the alleged non-compliance of the directions given by this Court, the petitioner preferred the instant contempt petition under Section 11 and 12 of the Contempt of Courts Act, 1971 ('the Act' hereinafter) seeking action against the respondents for willful disobedience of the Court's directions.

SUBMISSIONS

(on behalf of the petitioner)

9. The petitioner appearing in person submitted that the respondent CPIO erroneously denied the information sought by him on illegal and unjust grounds despite the fact that he is legally entitled for accessibility of information including the administrative and *quasi-judicial* decisions affecting him.

10. It is submitted that RTI is an effective way for securing the information on the irregularities being committed by the then CMD which defrauded the PFCL with a loss of Rs.27 crores, however, the respondent has tried to cover up the misdeeds by recusing to take any punitive action against the then CMD.

11. It is submitted that the respondent authorities were well aware of the fact that the information sought by the petitioner was related to corruption and human rights violation and the same is not prohibited



under the law. The said position was also confirmed by the order dated 1st November, 2017 of this Court in W.P. (C) 7218/2016.

12. It is submitted that one of the allegations against the then CMD was financial malpractice and therefore, the respondent CPIO ought to have provided details regarding the action taken by them on the said allegation.

13. It is submitted that during the course of proceedings in W.P. (C)7218/2016, the arguments for non-disclosure of certain information to the petitioner were held to be misconceived by this Court, therefore, the non-disclosure of the information on flimsy grounds was rejected by this Court, thereby, the respondent was directed to provide complete details of the action taken against the CMD.

14. It is submitted that the respondent was legally duty bound to supply the information regarding action taken report, decision of the Group of Officers, however, non-fulfilment of the said duty amounts to clear violation of the directions of this Court, therefore, making the respondent liable for Contempt of Court under the Act.

15. It is submitted that the disciplinary authority ought to have taken an action against the CMD on the basis of the decision taken by the group of officers, however, the response by the respondent does not imply the same, rather it merely stated that the complaints of the petitioner had been forwarded to the Secretary of Power, Ministry of Power and Central Vigilance Commissioner for taking an action in the matter.

16. It is also submitted that the respondent was duty bound to publish the action taken report of the group of officers either on their website or provide the same on instance of an application filed under the RTI Act,



and therefore, failure to do the same amounts to violation under the RTI Act.

17. It is further submitted that the non-disclosure of the information sought by the petitioner despite clear directions of this Court sets a bad precedent and therefore, questioning the legitimacy of setting up the group of officers and their role for looking into the complaints of corruption against the officers involved in said malpractice.

18. In light of the foregoing submissions, the petitioner, appearing in person submits that present petition be allowed and contempt proceedings may be initiated against the respondent officials.

(on behalf of the respondents)

19. The learned counsel appearing on behalf of the respondents vehemently opposed the present petition submitting to the effect that the present petition is nothing but a gross misuse of the process of law as the respondents had duly complied with the directions given by this Court in W.P. (C) 7218/2016 *vide* order dated 1st November, 2017.

20. It is submitted that the respondents had supplied the information regarding action taken on various complaints made by the petitioner including the complaint dated 17th August, 2012 with which the information regarding the complaint dated 3rd September, 2017 was enclosed in the letter dated 23rd November, 2017.

21. It is submitted that respondent CPIO had furnished further details regarding the outcome of the said complaint and the same was supplied to the petitioner and has also been placed on record as Annexure A-1.

22. It is submitted that all the information available to the CPIO was provided to the petitioner and therefore, the components of willful



disobedience of the directions of this Court are not satisfied in the present petition.

23. It is submitted that during the course of proceedings of the instant contempt petition, the respondent had also filed affidavits dated 13th August, 2018, 30th April, 2019, 1st May, 2023, therefore, the question of initiation of contempt proceedings against the respondent does not arise.

24. It is submitted that the complaint against the then CMD was duly considered by the group of officers in the year 2012 and 2013 and pursuant to the decision taken by them, the recommendations were made to the Ministry of Power with request to take appropriate action *vide* letters dated 10th July, 2012 and 18th June, 2013, therefore, claim of the petitioner regarding non-action against the then CMD does not stand.

25. It is also submitted that in order dated 1st November, 2017 in W.P. (C)7218/2016, this Court had duly held that the petitioner is not entitled to any noting, deliberations of the group of officers, therefore, furnishing such details again and again does not make the request legally tenable.

26. In view of the foregoing submissions, the learned counsel appearing on behalf of the respondents submitted that the present petition being devoid of any merits may be dismissed.

ANALYSIS AND FINDINGS

27. Heard the learned counsel for the petitioner and perused the records.

28. It is the case of the petitioner that despite directions of this Court *vide* order dated 1st November, 2017, the respondents have failed to abide by their duties to provide necessary details regarding the action taken by



them in furtherance of the complaint filed by the petitioner among other people against the then CMD of the PFCL. Therefore, contempt proceedings should be initiated against the respondents for willful disregard to the orders dated 1st November, 2017 in W.P. (C)7218/2016.

29. In rival submissions, the learned counsel appearing on behalf of the respondents submitted that the authorities duly complied with the said directions and provided the petitioners with the details. Furthermore, the learned counsel for the respondent contended that some of the details furnished by the petitioner were private in nature and therefore, cannot be provided for under the RTI Act.

30. Therefore, the limited question for adjudication before this Court is whether the respondent complied with the directions of this Court issued in W.P. (C)7218/2016 *vide* order dated 1st November, 2017 or not.

31. Before delving into the same, this Court deems it appropriate to briefly explain the law regarding initiation of contempt proceedings against an individual/entity alleged to defy the orders of the Court.

32. The Civil Contempt has been defined under Section 2(b) of the Act and reads as follows:

“2. Definitions (b) “civil contempt” means wilful disobedience to any judgment, decree, direction, order, writ or other process of a court or wilful breach of an undertaking given to a court.”

33. The perusal of the said provision clearly indicates that the term ‘wilful disobedience’ used in the provision is a necessary condition for initiation of civil contempt against any party. The said principle is a settled law and has been discussed by the Courts in various cases.



34. In *Niaz Mohd. v. State of Haryana*,¹ the Hon'ble Supreme Court discussed the nature and scope of the issuance of contempt proceedings against a party and held as under:

“9. Section 2(b) of the Contempt of Courts Act, 1971 (hereinafter referred to as „the Act”) defines “civil contempt” to mean “wilful disobedience to any judgment, decree, direction, order, writ or other process of a court ...”. Where the contempt consists in failure to comply with or carry out an order of a court made in favour of a party, it is a civil contempt. The person or persons in whose favour such order or direction has been made can move the court for initiating proceeding for contempt against the alleged contemner, with a view to enforce the right flowing from the order or direction in question. But such a proceeding is not like an execution proceeding under Code of Civil Procedure. The party in whose favour an order has been passed, is entitled to the benefit of such order. The court while considering the issue as to whether the alleged contemner should be punished for not having complied with and carried out the direction of the court, has to take into consideration all facts and circumstances of a particular case. That is why the framers of the Act while defining civil contempt, have said that it must be wilful disobedience to any judgment, decree, direction, order, writ or other process of a court. Before a contemner is punished for noncompliance of the direction of a court, the court must not only be satisfied about the disobedience of any judgment, decree, direction or writ but should also be satisfied that such disobedience was wilful and intentional. The civil court while executing a decree against the judgmentdebtor is not concerned and bothered whether the disobedience to any judgment, or decree, was wilful. Once a decree has been passed it is the duty of the court to execute the decree whatever may be consequence thereof. But while examining the grievance of the person who has invoked the jurisdiction of the court to initiate the proceeding for contempt for disobedience of its order, before any such contemner is held guilty and punished, the court has to record a finding that such disobedience was wilful and intentional. If from the circumstances of

¹ (1994) 6 SCC 332



a particular case, brought to the notice of the court, the court is satisfied that although there has been a disobedience but such disobedience is the result of some compelling circumstances under which it was not possible for the contemner to comply with the order, the court may not punish the alleged contemner.”

35. The aspect related to the contempt was revisited by the Hon’ble Supreme Court in **Anil Ratan Sarkar v. Hiral Ghosh**,² where the Hon’ble Court observed that the element of willingness is an indispensable requirement to bring the charges within the meaning of the Act. The relevant part of the said judgment is reproduced herein:

“15. It may also be noticed at this juncture that mere disobedience of an order may not be sufficient to amount to a “civil contempt” within the meaning of Section 2(b) of the Act of 1971 — the element of willingness is an indispensable requirement to bring home the charge within the meaning of the Act and lastly, in the event two interpretations are possible and the action of the alleged contemnor pertains to one such interpretation — the act or acts cannot be ascribed to be otherwise contumacious in nature. A doubt in the matter as regards the wilful nature of the conduct if raised, question of success in a contempt petition would not arise.”

36. In **Ram Kishan v. Tarun Bajaj**,³ the Hon’ble Court again dealt with the nature and scope of the civil contempt where the Court emphasized on the word wilful, therefore, making it a necessary condition for initiation of the proceedings. The relevant part reads as follows:

“11. The contempt jurisdiction conferred on to the law courts power to punish an offender for his wilful disobedience/contumacious conduct or obstruction to the majesty of law, for the reason that

² (2002) 4 SCC 21

³ (2014) 16 SCC 204



respect and authority commanded by the courts of law are the greatest guarantee to an ordinary citizen that his rights shall be protected and the entire democratic fabric of the society will crumble down if the respect of the judiciary is undermined. Undoubtedly, the contempt jurisdiction is a powerful weapon in the hands of the courts of law but that by itself operates as a string of caution and unless, thus, otherwise satisfied beyond reasonable doubt, it would neither be fair nor reasonable for the law courts to exercise jurisdiction under the Act. The proceedings are quasi-criminal in nature, and therefore, standard of proof required in these proceedings is beyond all reasonable doubt. It would rather be hazardous to impose sentence for contempt on the authorities in exercise of the contempt jurisdiction on mere probabilities. (Vide V.G. Nigam v. Kedar Nath Gupta [V.G. Nigam v. Kedar Nath Gupta, (1992) 4 SCC 697 : 1993 SCC (L&S) 202 : (1993) 23 ATC 400] , Chhotu Ram v. Urvashi Gulati [Chhotu Ram v. Urvashi Gulati, (2001) 7 SCC 530 : 2001 SCC (L&S) 1196] , Anil Ratan Sarkar v. Hirak Ghosh [Anil Ratan Sarkar v. Hirak Ghosh, (2002) 4 SCC 21] , Bank of Baroda v. Sadruddin Hasan Daya [Bank of Baroda v. Sadruddin Hasan Daya, (2004) 1 SCC 360] , Sahdeo v. State of U.P. [Sahdeo v. State of U.P., (2010) 3 SCC 705 : (2010) 2 SCC (Cri) 451] and National Fertilizers Ltd. v. Tuncay Alankus [National Fertilizers Ltd. v. Tuncay Alankus, (2013) 9 SCC 600 : (2013) 4 SCC (Civ) 481 : (2014) 1 SCC (Cri) 172] .) 12. Thus, in order to punish a contemnor, it has to be established that disobedience of the order is “wilful”. The word “wilful” introduces a mental element and hence, requires looking into the mind of a person/contemnor by gauging his actions, which is an) 1555/2023 Page 10 of 13

majesty of law, for the reason that respect and authority commanded by the courts of law are the greatest guarantee to an ordinary citizen that his rights shall be protected and the entire democratic fabric of the society will crumble down if the respect of the judiciary is undermined. Undoubtedly, the contempt jurisdiction is a powerful weapon in the hands of the courts of law but that by itself operates as a string of caution and unless, thus, otherwise satisfied beyond reasonable doubt, it would neither be fair nor reasonable for the law courts to exercise jurisdiction under the Act. The proceedings are quasi-criminal in





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Pattabiraman, (1985) 1 SCC 591] , Rakapalli Raja Ram Gopala Rao v. Naragani Govinda Sehararao [Rakapalli Raja Ram Gopala Rao v. Naragani Govinda Sehararao, (1989) 4 SCC 255 : AIR 1989 SC 2185] , Niaz Mohammad v. State of Haryana [Niaz Mohammad v. State of Haryana, (1994) 6 SCC 332 : AIR 1995 SC 308] , Chordia Automobiles v. S. Moosa [Chordia Automobiles v. S. Moosa, (2000) 3 SCC 282] , Ashok Paper Kamgar Union v. Dharam Godha [Ashok Paper Kamgar Union v. Dharam Godha, (2003) 11 SCC 1] , State of Orissa v. Mohd. Illiyas [State of Orissa v. Mohd. Illiyas, (2006) 1 SCC 275 : 2006 SCC (L&S) 122 : AIR 2006 SC 258] and Uniworth Textiles Ltd. v. CCE [Uniworth Textiles Ltd. v. CCE, (2013) 9 SCC 753].)”

37. On perusal of the aforesaid judicial dicta, it is made out that the condition ‘*willful disobedience*’ should be proved by the petitioner in order to be successful in the contempt proceedings against the alleged contemnor.

38. The above cited cases also clearly establish that the term ‘*willful disobedience*’ is not a mere formality which can be established by making certain assumptions, rather needs to be proven in *toto*.

39. Therefore, the Courts need to be satisfied beyond doubt that an entity willfully disobeyed the orders of the Court and therefore, liable to be punished under the Act.

40. Now, adverting to the factual matrix of the instant case, the petitioner has alleged that the respondent willfully did not comply with the order dated 1st November, 2017. The relevant extracts of the said order read as under:

“6. In the present case, the petitioner stands as a relator party as he is also one of the complainants. The petitioner is not seeking any personal information regarding respondent no.3, but merely seeks to know the outcome of the complaint made by him and other such



complaints. The PFC Officers Association had pointed out certain conduct which according to them was irregular and warranted disciplinary action; thus, they would be certainly entitled to know as to how their complaints have been treated and the results thereof

7. Section 8 (1) (j) of the Act reads as under:-

“8. Exemption from disclosure of information.-(1) Notwithstanding anything contained in this Act, there shall be no obligation to give any citizen,— xxxxxxxxx (j) information which relates to personal information the disclosure of which has not relationship to any public activity or interest, or which would cause unwarranted invasion of the privacy of the individual unless the Central Public Information Officer or the State Public Information Officer or the appellate authority, as the case may be, is satisfied that the larger public interest justifies the disclosure of such information.”

8. It is apparent from the plain reading of the aforesaid clause that in order to claim exemption from disclosure of any information, the essential conditions that must be satisfied are: (i) that it is personal information the disclosure of which has no relationship to any public activity or interest; or (b) that it would cause unwarranted invasion of the privacy of the individual. However, even if the aforesaid conditions are satisfied, the Central Public Information Officer or the State Public Information Officer or the Appellate Authority may disclose the information if they are satisfied that the larger public interest justifies the disclosure of such information.

9. The proviso of Section 8 (1) of the Act is also important and reads as under:

" Provided that the information, which cannot be denied to the Parliament or a State Legislature shall not be denied to any person."

10. By virtue of the aforesaid proviso to Section 8(1) of the Act, it is enacted that information which cannot be denied to the Parliament or a State Legislature shall not be denied to any person. In the present case, it was doubtful whether information as to the fate of the complaints can be considered as personal information that has no relationship with public interest or public activity. The activity of the Central Vigilance Department includes investigation and taking action in cases of corruption. Secondly, the complaint related to the



allegations of misconduct and how these complaints were treated were clearly matter of public interest.

10. In the circumstances, this Court directs the respondent to disclose to the petitioner as to what action had been taken pursuant to his complaint and other similar complaints made against the then CMD. The petitioner would not be entitled to any notings and deliberations of the Group of Officers or Disciplinary Authority but only information as to what action was taken in relation to the complaints in question.

11. Let the said information be provided within a period of four weeks from today.”

41. The reading of above cited paragraph makes it clear that the Co-ordinate Bench of this Court had interpreted the relevant provisions pertaining to the Right to Information and deemed it appropriate to direct the respondents to provide the petitioners with the details of the action taken against the then CMD.

42. Paragraph 10 of the said order also makes it evident that the Court made it clear that the petitioner shall not be entitled to the noting and deliberations of the group of officers or the disciplinary authority, rather details shall only be furnished with regard to the action taken by the respondents against the CMD.

43. In furtherance of the said directions, the respondent CPIO had written letter dated 23rd November, 2017, and subsequent letters dated 8th January, 2018 & 2nd April, 2018. The extracts of the same reads as under:

“Subject:- Implementation of the Order of Hon'ble High Court of Delhi in W.P. (C) 7218/2016 dated 01.11.2017-compliance thereof. In pursuance of the order of Hon'ble High Court of Delhi in W.P.(C) 7218/2016 dated 01.11.2017 in the matter of Shri Kamal Bhasin Vs Shri. Radha Krishna Mathur and others, the action taken by Group of Officers on you complaints mentioned in your RTI application dated 11.11.2013 is as under:



(a) **Complaints dated 07.06.2012, 17.08.2012 and 8.10.2012:** The complaints dated 07.06.2012, 08.10.2012 and 17.08.2012 were referred to CVC for action as appropriate and M/o Power was advised to send a detailed report regarding the allegations to CVC for taking action as deemed appropriate. The Group also decided to advise Secretary, M/o Power to get the matter examined by CVO of the Ministry. The complaint was closed.

(b) **Complaints dated 30.10.2012, 24.11.2012 and 13.03.2013:** The Group noted that the issues raised in these complaints are similar / identical with the issues raised in the earlier complaints. Since action was already initiated these complaints were closed.

(c) **Complaint dated 22.04.2013 (wrongly mentioned as 24.04.2013 in the RTI application):** The Group noted that financial irregularities fall under the ambit of audit of PSU, which is conducted by C&AG, a Statutory body, the report of which is placed in Parliament. Securing of vigilance clearance is an administrative matter and M/o Power was advised to take appropriate action. This complaint was therefore closed.

(d) **Complaints dated 16.05.2013 and 06.06.2013:** The Group noted that issues raised in both the complaints were decided earlier by the Group. M/o Power was advised to send a detailed report to CVC who may take action as appropriate and closed the case.

(e) **Complaint dated 10.01.2013:** As already informed vide this Secretariat's letter dated 11.12.2013, this complaint was not received in this office.

2. Since Group of Officers had already recommended to the appropriate Disciplinary Authority to take appropriate action as per advice of the CVC, action on the part of Group of Officers was completed.

3. The direction of Hon'ble High Court dated 01.11.2017 therefore stands implemented.



Subject: Implementation of the Order of Hon'ble High Court of Delhi in WP 7218/2016 dated 01.11.2017-compliance thereof.

Sir,

I am directed to refer to Cabinet Secretariat letter No.501/V1/14/2013-VCC dated 23.11.2017 on the subject cited above. In this regard it is mentioned that issues raised in the letter has been examined in V&S Desk, Ministry of Power and the status of action taken mentioned complaint is as below:-

	<i>S.No.</i>	<i>Complaint date</i>	<i>Present status</i>
<i>a</i>	<i>1</i>	<i>7/6/2012</i>	<i>The complaints were examined in consultation with CVC. CVC vide OM dated 18/05/2015 has advised to take appropriate action as it is an administrative matter, accordingly the same was referred to PFC Desk, Ministry of Power vide OM dated 6th July, 2015</i>
	<i>2</i>	<i>17/08/2012</i>	
	<i>3</i>	<i>8/10/2012</i>	
<i>b</i>	<i>4</i>	<i>30/10/2012</i>	<i>The Group of Secretaries in Cabinet Secretariat has examined the complaint and decided to closed, as indicated at para (b) of the reply</i>
	<i>5</i>	<i>24/11/2012</i>	
	<i>6</i>	<i>13/3/2013</i>	
<i>c</i>	<i>7</i>	<i>22/4/2013</i>	<i>Since the matter was found to be administrative, therefore the</i>



			<i>complaint was forwarded to PFC Desk of the Ministry for necessary action on 16th July 2013</i>
<i>d</i>	<i>8</i>	<i>16/5/2013</i>	<i>This complaint seems not to be received in V&S Desk</i>
	<i>9</i>	<i>6/6/2013</i>	
<i>e</i>	<i>10</i>	<i>10/1/2013</i>	<i>-do-</i>

Subject: Implementation of the Order of Hon'ble High Court of Delhi in WP(C) 7218/2016 dated 01.11.2017-compliance thereof.

Sir.

I am directed to refer to Cabinet Secretariat letter No.501/VI/14/2013-VCC dated 23.11.2017 and this Ministry's letter of even number dated 8th January 2018 on the subject cited above. The status of action taken on the complaints is as below: -

	<i>S.No</i>	<i>Complaint date</i>	<i>Present status</i>
<i>a</i>	<i>1</i>	<i>7/6/2012</i>	<i>The complaints were examined in consultation with CVC. CVC vide OM dated 18/05/2015 has advised to take appropriate action as it is an administrative matter, accordingly the same was referred to PFC Desk, Ministry of Power vide OM dated 6th July, 2015. As the ACC had approved for non-extension of tenure of Shri Satnam Singh, CMD, PFC and his</i>
	<i>2</i>	<i>17/08/2012</i>	
	<i>3</i>	<i>8/10/2012</i>	



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			<i>service came to an end on 13.9.2013, it was decided that no administrative action is possible on the complaint and the complaint was filed</i>
<i>b</i>	<i>4</i>	<i>30/10/2012</i>	<i>Reply already given earlier vide this Ministry letter dated 8.1.2018.</i>
	<i>5</i>	<i>24/11/2012</i>	
	<i>6</i>	<i>13/3/2013</i>	
<i>c</i>	<i>7</i>	<i>22/4/2013</i>	<i>Since the matter was found to be administrative, therefore the complaint was forwarded to PFC Desk of the Ministry for necessary action on 16th July 2013. During the year 2012 & 2013, several complaints of misbehavior/irregularities committed by Shri Satnam Singh CMD, PFC were received. Shri Satnam Singh was for consideration for further extension of his tenure as CMD during this time. Considering the gravity of complaints received against him, the competent authority had recommended for non-extension of his tenure as CMD, PFC and with</i>





			<i>approval of ACC, his services came to an end on 13.9.2013</i>
<i>d</i>	<i>8</i>	<i>16/5/2013</i>	<i>This complaint seems not to be received from Cabinet Secretariat, however, the said complaint was received from Chairman, National Advisory Council, In the complaint mainly two issues were involved i) running of a Private Company by wife of CMD, PFC in the official residence provided to him and ii) sexual harassment. Action on the issue of running private company has already been taken as indicated against complaint dated 8.10.2012 as mentioned at (a) above. As regard the complaint of sexual harassment the matter has been taken up with CVC and CVC vide OM dated 12.08.2013 advised closure of the case.</i>
<i>d</i>	<i>9</i>	<i>16/5/2013</i>	<i>This complaint does not seem to have been received in the Ministry.</i>
<i>e</i>	<i>10</i>	<i>10/1/2013</i>	<i>-do-</i>



44. Upon perusal of the said letters, this Court is of the view that the respondents had furnished the details regarding the action taken against the then CMD where the non-extension of the tenure has been specified.

45. In letter dated 2nd April, 2018, the respondent also mentioned that the ACC i.e. the Appointments Committee of the Cabinet denied extension to the said CMD on the basis of the report submitted by the relevant authorities. The said letter also clarified that any action apart from non-extension of tenure of the CMD could not be possible as the services of Mr. Satnam Singh came to an end on 13th September, 2013 itself.

46. The perusal of the said letters also makes it clear that the action taken against the CMD i.e. non-extension of his tenure was duly communicated to the petitioner, however, not satisfied with the said details, the petitioner filed the instant petition for initiation of contempt proceedings.

47. During the course of proceedings, this Court *vide* orders dated 7th August, 2018 & 4th July, 2022 directed the respondent to file affidavits admitting the supply of the necessary details with regard to the action taken against the CMD to which the respondent submitted their affidavit along with necessary proofs and the same are on record.

48. In the said affidavits, the respondent CPIO has duly mentioned that the information regarding the decision taken by the authorities was provided to the petitioner *vide* various letters and the respondent CPIO did not have any further information regarding the action taken against



the CMD.

49. Even though the petitioner has raised objection to the said details by terming them non-satisfactory, this Court is of the view that mere non-satisfaction to the details by the petitioner does not amount to contempt of the orders of the Court.

50. The respondent has submitted the details of the action taken against the CMD time and again, and had also complied with the further orders passed by this Court furnishing all the necessary details regarding the action taken by the appropriate authority.

Therefore, no case of willful disobedience of the orders of the Court can be made out against the respondent as the material on record satisfies this Court that the respondents duly complied with the directions passed by this Court *vide* order dated 1st November, 2017.

CONCLUSION

51. The law of contempt is no more *res integra* as the interpretation of the relevant provisions and legislative intent has been duly expounded and enunciated by the Hon'ble Supreme Court in a catena of judgments.

52. In the present case, the petitioner has failed to make out a case satisfying this Court that there is a willful disobedience of the order dated 1st November, 2017 passed by this Court in W.P. (C) No. 7218/2016.

53. The material on record, i.e. the letter dated 23rd November, 2017, and subsequent letters dated 8th January, 2018 and 2nd April, 2018 provided the petitioner with the necessary details regarding the action taken by the respondent. Furthermore, the affidavits filed by the respondent in the instant case also proves that the information as legally mandated was supplied and petitioner was not deprived of the same.



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54. Therefore, this Court is satisfied that the respondent had duly complied with the order dated 1st November, 2017 and had supplied the information regarding the decision taken against the then CMD and non-satisfaction of the petitioner with the said information does not amount to willful disobedience of the Court in any manner.

55. In light of the foregoing discussions, this Court is of the view that the present petition is nothing but a gross misuse of process of law, where the petitioner has failed to satisfy the ingredients of a contempt petition and therefore, the petition being devoid of any merit is dismissed along with pending applications.

56. The judgment be uploaded on the website forthwith.

(CHANDRA DHARI SINGH)
JUDGE

APRIL 16, 2024
SV/AV/DB