

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.689 of 2024

In
Civil Writ Jurisdiction Case No.12748 of 2022

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Aftab Ahmad Son of Md. Izharul Haque Resident of Village- Narayanpur,
Post- Sakari, P.S.- Manigachhi, Dahura, District- Darbhanga, Bihar- 847239

... .. Petitioner/s

Versus

1. The Bharat Petroleum Corporation Limited through its Managing Director, Bharat Petroleum, Corporation Ltd. Registered office Bharat Bhawan 6, Currimbhoy Road, Ballard Estate, Post Box No. 688, Mumbai- 400001, G. Krishna Kumar Son of Not known.
2. The Managing Director Bharat Petroleum Corporation Registered office Bharat Bhawan, 6, Currimbhoy Road, Ballard Estate, Post Box No. 688, Mumbai- 400001 Ltd. G. Krishna Kumar Son of not known
3. The Territory Manager (LPG), Muzaffarpur, Bharat Petroleum Corporation Limited, Village- Sherpur, P.O.- Bela, P.S.- Bela, District- Muzaffarpur namely Mirgayank Priyadarsi Son of not known.
4. The Chief Manager Business Planning and Network Muzaffarpur (LPC) Territory L.P.G., Bihar and Jharkhand and CPIO Bharat Petroleum Corporation Ltd. Ashiyana Chamber, 3rd Floor, Exhibition Road, Patna- 800001, Mr. Suraj P. Chaudhari Son of Not known.
5. Vijay Kumar Nayak S/o Ram Awatar Nayak Resident of Village- Narayanpur Bazar, P.S.- Manigachhi, District- Darbhanga.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Md. Shahnawaz Ali, Advocate
For the Opposite Party/s : Mr. Siddhartha Prasad, Advocate

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI

and

HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

5 18-09-2024 In the instant MJC application, petitioner has prayed
for the following relief:

*“That this is an application for initiation
of contempt proceeding against the opposite parties
for their willful violation of the order dated*



17.10.2022 passed in C.W.J.C. No. 12748/2022 passed by Hon'ble Mr. the Chief Justice and Hon'ble Mr. Justice S. Kumar of this Hon'ble court whereby and where under the Hon'ble court directed the opposite party no. 2 to take such proceeding to its logical conclusion within a period of 3 months and issue letter of intent (LOI) and the same is not issued in the name of the petitioner."

2. The present contempt petition has been filed beyond the limitation period, for the reasons that subject matter of order to be complied is of 17.10.2022 passed in CWJC No. 12748 of 2022.

3. Perusal of the order, it is evident that cause of action accrued to the petitioner after three months from 17.10.2022 is on 16.01.2023. Contempt petition should have been filed on or before 16.01.2024. On the other hand, the present contempt petition has been filed on 22.02.2024. In view of these facts and circumstances Section 20 of the Contempt of Courts Act, 1971 read with Article 215 of the Constitution of India would be a hurdle to entertain the present belated contempt petition.

4. The Co-ordinate Bench in the case of ***Dr. Rajesh Kumar Sinha and others vs. The Union of India and others*** in **MJC No. 1840 of 2023** elaborately considered delay in filing



contempt petition. Further, recently Hon’ble Supreme Court in the case of *S. Tirupathi Rao vs. M. Lingamaiah & Ors.* reported in **2024 SCC OnLine SC 1764** examined the delay in filing contempt petition. Taking note of these facts and circumstances, present contempt petition stands dropped reserving liberty to file fresh writ petition.

(P. B. Bajanthri, J)

(Alok Kumar Pandey, J)

GAURAV S./-

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