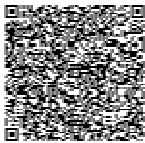


2025:PHHC:096387-DB



CACP-45-2025 (O&M)
Date of Decision: 30.07.2025

Arvind Kumar Project Director National Highways Authority of India

...Appellant

Vs.

Samaypal and ors

...Respondents

CACP-46-2025 (O&M)

Arvind Kumar Project Director National Highways Authority of India

...Appellant

Vs.

Vishnu Sharma and others

...Respondents

CACP-47-2025 (O&M)

Arvind Kumar Project Director National Highways Authority of India

...Appellant

Vs.

Om Parkash and others

...Respondents

CACP-48-2025 (O&M)

Arvind Kumar Project Director National Highways Authority of India

...Appellant

Vs.

Satpal and others

...Respondents

CACP-49-2025 (O&M)

Arvind Kumar Project Director National Highways Authority of India

...Appellant

Vs.

Nathi Singh (since deceased) through his L.Rs. and ors ...Respondents

CACP-50-2025 (O&M)

Arvind Kumar Project Director National Highways Authority of India

...Appellant

Vs.

Bishan Devi and others ...Respondents

CACP-51-2025 (O&M)

Arvind Kumar Project Director National Highways Authority of India

...Appellant

Vs.

Shyam Chand alias Shyam Charan and others ...Respondents

CACP-52-2025 (O&M)

Arvind Kumar Project Director National Highways Authority of India

...Appellant

Vs.

Deep Chand and others ...Respondents

CACP-53-2025 (O&M)

Arvind Kumar Project Director National Highways Authority of India

...Appellant

Vs.

Peet Ram (since deceased) through his L.Rs. and others ...Respondents

**CORAM: HON'BLE MR. JUSTICE ASHWANI KUMAR MISHRA
HON'BLE MR. JUSTICE KULDEEP TIWARI**

Present: Mr. Chetan Mittal, Senior Advocate,
Mr. K.S. Kang, Advocate and

Mr. Arkash Mani Garg, Advocate and
Mr. Mayank Aggarwal, Advocate
for the appellant(s)

Mr. Satbir Rathore, Advocate,
Mr. Sandeep K. Rana, Advocate and
Mr. Vikas Kumar Rana, Advocate for private respondents in all
the cases.

ASHWANI KUMAR MISHRA J. (Oral)

1. These appeals are on behalf of the Officer of National Highways Authority of India (hereinafter referred to as ‘the NHAI’) challenging the order dated 27.05.2025, passed by the learned Single Bench in contempt proceedings. The contempt petition has been filed alleging disobedience of an order passed on 02.06.2017 in CWP No.12082 of 2017. Operative portion of the directions issued in the writ petition, read as under:-

“(i) The petitioners may apply to the Contempt Authority-cum-Land Acquisition Collector within a period of one month for the grant of aforesaid benefits;

(ii) The said Contempt authority will issue notice and call for the records/reply from the National Highway Authority of India.

(iii) The Contempt Authority shall thereafter determine the petitioners’ claim for the aforesaid benefits, especially in view of the decisions of this Court and the Hon’ble Supreme Court, cited above;

(iv) If the petitioners are found entitled to, a self speaking supplementary award to this effect shall be passed within a period of four months from the date of filing of the application;

(v) The National Highways Authority of India is directed to deposit the amount payable in terms of the supplementary

award, in interest-bearing fixed deposit account(s) in any nationalized bank which shall be disbursed subject to attaining finality of the litigation in the Golden Iron and Steel Forging's case (supra)."

2. Contempt application has been filed in the year 2024, alleging disobedience of the directions issued by the Writ Court. Objections to the contempt petition have been filed raising various grounds. The objections of the respondents in the contempt petition are still pending. It appears that the Contempt Court has proceeded further in the matter and various directions have been issued from time to time. The appellant is aggrieved by an order of the Contempt Court dated 27.05.2025, which reads as under:

"Nobody had put in appearance on behalf of respondent No.1.

As such, let bailable warrants be issued against respondent No.1 for 14.07.2025.

Commissioner of Police, Dwarka, New Delhi is requested to ensure the service of bailable warrants upon respondent No.1 in order to secure his presence on the next date of hearing.

A photocopy of this order be placed on the files of other connected cases."

3. According to the appellant, he had already entered appearance in the proceedings before the Contempt Court. It has been stated on affidavit that the first respondent who happens to be the Chairman of the NHAI, has already entered appearance and was represented by Senior Counsel. The competent authority i.e. the DRO, Faridabad had also joined the proceedings through Video Conferencing. The matter was passed over in the first call. In

the revised list, when the matter was called-out, prayer was made on behalf of Senior Counsel to adjourn the matter as he was engaged elsewhere.

4. It is, at this stage, that the Court proceeded to pass the order dated 27.05.2025. According to the appellant, the objection with regard to limitation ought to have been decided by the Contempt Court before proceeding any further in the matter since the contempt was filed after eight years. It is also submitted that supplementary award had already been passed on 26.05.2025. According to the appellant the order passed in the writ had already been complied with. It is, therefore, submitted that the directions issued in exercise of contempt proceedings is wholly uncalled for.

5. Learned counsel for the appellant has not been able to show that the direction issued by the learned Single Bench is referable to exercise of jurisdiction under the Contempt of Courts Act. The learned Single Bench apparently was exercising jurisdiction under Article 226 of the Constitution of India for passing the order impugned.

6. Prayer accordingly is made by the appellant to convert this appeal into Letters Patent Appeal. The prayer in that regard is accepted and the appellant is permitted to amend the present appeal into a *Letter Patent Appeal*. The appellant is directed to supply the requisites to the office within three days from today.

7. Learned counsel for the respondents has already entered appearance. The facts stated on behalf of the appellant regarding his appearance is not disputed. It is also not disputed that in the first call when the matter was taken up, the counsel for the first respondent was present and at the time when the matter was taken on the revised call, a prayer for adjournment was made.

8. It is, however, stated that this Court may not keep the matter pending and appropriate orders be passed so that the cause could be considered on merits by the Contempt Court.

9. In view of the stand so taken by the respondents, we do not deem it necessary to keep the matter pending any further. However, as we find that respondent No.1 was represented and the question that directions of the Writ Court complied with required consideration, the direction issued by the Contempt Court for issuance of bailable warrants were not required. Consequently, order dated 27.05.2025 is set aside.

10. These appeals stand disposed of with the observation that objections taken by the appellant in the contempt proceedings shall be examined by the learned Single Bench in accordance with law. The plea with regard to maintainability of the contempt petition in view of Section 20 of the Contempt of Courts Act, 1971 as well as subsequent awards having been passed in the matter, would be open to be raised before the learned Single Bench.

11. All pending misc. application(s), if any, also stands disposed of.

(ASHWANI KUMAR MISHRA)
JUDGE

(KULDEEP TIWARI)
JUDGE

30.07.2025

rajesh

1. Whether speaking/reasoned?	:	Yes/No
2. Whether reportable?	:	Yes/No