



2026:DHC:265-DB



\$~3

* **IN THE HIGH COURT OF DELHI AT NEW DELHI***Date of decision: 9th January, 2026**Uploaded on: 13th January, 2026*+ **CONT.APP.(C) 23/2025& CM APPL. 79046/2025****R K SHARMA**

.....Appellant

Through: **Mr. V.P. Sharma & Mr. Daleep Singh, Advs.**

versus

SH AMARJEET SINGH

.....Respondent

Through:

CORAM:**JUSTICE PRATHIBA M. SINGH****JUSTICE MADHU JAIN****Prathiba M. Singh, J. (Oral)**

1. This hearing has been done through hybrid mode.
2. The present appeal has been filed by the Appellant under Section 19 of the Contempt of Courts Act, 1971, *inter alia*, challenging the impugned order dated 25th September, 2025 (hereinafter, '*impugned order*') passed in contempt jurisdiction by a Id. Single Judge of this Court in ***Cont. Cas (C) 1395/2025*** titled '***R K Sharma v. Sh Amarjeet Singh C.E.O BSES Yamuna Power Ltd. & Ors.***'.

3. There is a doubt as to the maintainability of the present petition itself. The impugned order records as under:

"2. The present petition under Section 12 of the Contempt of Courts Act, 1971 seeks the following prayers:-

"(i) That, the Petitioner therefore respectfully



prays that the Respondents be held guilty of contempt for willfully disobeying the order passed by this Hon'ble Court in FAO 37/2025, dated 21.04.2025;

(ii) That the Respondents be punished as per the provisions of the Contempt of Courts Act, 1971, for their willful disobedience of the order of this Hon'ble Court.

(iii) That the Respondents be directed to immediately issue the current electricity Consumption bill to the Petitioner in accordance with the order passed by this Hon'ble Court for domestic consumption.

(iv) That the Respondents be directed to pay compensation for the inconvenience and hardship caused to the Petitioner due to their willful non-compliance;

(v) Any other relief(s) that this Hon'ble Court may deem fit and proper in the facts and circumstances of the case”

3. Vide order dated 21.04.2025, the learned Single Judge has disposed of FAO 37/2025 titled as ‘R.K. Sharma Advocate vs. M/s BSES Yamuna Power Ltd. Through CEO & Ors.’ by passing following directions:-

“3. The appellant, however, shall continue to pay the current demand charges in accordance with the law. The costs of Rs. 2,000/- imposed upon the appellant shall also stand waived.”

4. By way of the present petition, it is submitted that the aforesaid direction are not being complied with and the respondent has not been raising the current bills. Necessary averments in the present petition are as under:-



“2. That the Hon'ble Court, while disposing of the appeal, had also specifically directed that the Petitioner shall continue to pay the current demand charges in accordance with the law. Furthermore, the costs imposed on the Petitioner were waived, and the benefits extended to the Petitioner through the order dated 26.11.2022 were to continue until the disposal of the matter in the Trial Court. 3. That despite the clear and categorical directions of this Hon'ble Court, the Respondents have failed to comply with the said order in letter and spirit, specifically in not providing the current domestic electricity consumption bill to the Petitioner. The Respondents' actions of withholding the bills have resulted in undue hardship to the Petitioner, as the Petitioner has been unable to comply with the requirement to pay the current demand charges due to non-receipt of the consumption bills.”

5. Learned counsel for the respondent refutes the aforesaid position and submits that the bills for the period, after passing of the aforesaid order i.e. for the month of April 2025, May 2025, June 2025, July 2025 and August 2025 has been sent on the mobile number of the petitioner as well as on the registered email id. Copies of the bills have been handed over to the counsel for the petitioner, who submits that these bills are incorrect.

6. Be that as it may, the present petition is not maintainable as the bills have been regularly provided to the petitioner. If there is any grievance with respect to the aforesaid bills, appropriate remedy may be taken by the petitioner in accordance with law.

7. The petition is dismissed and disposed of.”



4. The grievance of the Appellant is that the bills as mentioned in paragraph No.5 of the said order dated 25th September, 2025 have not been provided to the Appellant

5. In the opinion of this Court, the present appeal itself would not be maintainable. Section 19 of the Contempt of Courts Act, 1971 reads as under:

“19. Appeals. —(1) An appeal shall lie as of right from any order or decision of the High Court in the exercise of its jurisdiction to punish for contempt—

(a) where the order or decision is that of a single judge, to a Bench of not less than two judges of the Court;

(b) where the order or decision is that of a Bench, to the Supreme Court:

Provided that where the order or decision is that of the Court of the Judicial Commissioner in any Union territory, such appeal shall lie to the Supreme Court.

(2) Pending any appeal, the appellate Court may order that—

(a) the execution of the punishment or order appealed against be suspended;

(b) if the appellant is in confinement, he be released on bail; and

(c) the appeal be heard notwithstanding that the appellant has not purged his contempt.

(3) Where any person aggrieved by any order against which an appeal may be filed satisfies the High Court that he intends to prefer an appeal, the High Court may also exercise all or any of the powers conferred by sub-section (2).

(4) An appeal under sub-section (1) shall be filed—

(a) in the case of an appeal to a Bench of the High Court, within thirty days;

(b) in the case of an appeal to the Supreme Court,



within sixty days, from the date of the order appealed against”

6. The Supreme Court in the decision in ***Midnapore Peoples' Coop. Bank Ltd. v. Chunilal Nanda, (2006) 5 SCC 399***, held that an appeal under Section 19 of the Contempt of Courts Act, 1971 would be maintainable only against an order or decision of the High Court passed in exercise of its jurisdiction to punish for contempt *i.e.*, an order imposing punishment for contempt. The relevant portion of the said decision reads as under:

“10. Section 19 of the Contempt of Courts Act, 1971 (“the CC Act” for short) provides for appeals. Relevant portion of sub-section (1) thereof is extracted below:

“19. (1) An appeal shall lie as of right from any order or decision of the High Court in the exercise of its jurisdiction to punish for contempt—

(a) where the order or decision is that of a Single Judge, to a Bench of not less than two Judges of the Court;

(b) where the order or decision is that of a Bench, to the Supreme Court.”

*The scope of Section 19 has been considered by this Court in Baradakanta Mishra v. Justice Gatikrushna Misra [(1975) 3 SCC 535 : 1975 SCC (Cri) 99 : AIR 1974 SC 2255] , Purshotam Dass Goel v. Justice B.S. Dhillon [(1978) 2 SCC 370 : 1978 SCC (Cri) 195 : AIR 1978 SC 1014] , Union of India v. Mario Cabral e Sa [(1982) 3 SCC 262 : 1983 SCC (Cri) 10 : AIR 1982 SC 691] , D.N. Taneja v. Bhajan Lal [(1988) 3 SCC 26 : 1988 SCC (Cri) 546] , State of Maharashtra v. Mahboob S. Allibhoy [(1996) 4 SCC 411 : 1996 SCC (Cri) 675] and J.S. Parihar v. Ganpat Duggar [(1996) 6 SCC 291 : 1996 SCC (L&S) 1422] . **These cases dealt with orders refusing to initiate contempt proceedings or initiating contempt***



proceedings or acquitting/exonerating the contemnor or dropping the proceedings for contempt. In all these cases, it was held that an appeal was not maintainable under Section 19 of the CC Act as the said section only provided for an appeal in respect of orders punishing for contempt.

10.1. In *Baradakanta Mishra* [(1975) 3 SCC 535 : 1975 SCC (Cri) 99 : AIR 1974 SC 2255] a three-Judge Bench of this Court held that an order declining to initiate a proceeding for contempt amounts to refusal to assume or exercise jurisdiction to punish for contempt and, therefore, such a decision cannot be regarded as a decision in the exercise of its jurisdiction to punish for contempt. The question as to whether an appeal would be maintainable under Section 19 where the court initiates a proceeding for contempt but after due consideration and hearing finds the alleged contemnor not guilty of contempt, or having found him guilty declines to punish him, was left open.

10.2. In *Purshotam Dass Goel* [(1978) 2 SCC 370 : 1978 SCC (Cri) 195 : AIR 1978 SC 1014] certain aspects of Section 19 were left open. This relevant portion is extracted below: (SCC pp. 371-72, para 3)

“The [contempt] proceeding is initiated under Section 17 by issuance of a notice. Thereafter, there may be many interlocutory orders passed in the said proceeding by the High Court. It could not be the intention of the legislature to provide for an appeal to this Court as a matter of right from each and every such order made by the High Court. The order or the decision must be such that it decides some bone of contention raised before the High Court affecting the right of the party aggrieved. Mere initiation of a proceeding for contempt by the issuance of the notice on the prima facie view that the case is a fit one for drawing up the proceeding, does not decide any question. ... It is neither possible, nor advisable, to make an exhaustive list of



the type of orders which may be appealable to this Court under Section 19. A final order, surely, will be appealable.

If the alleged contemnor in response to the notice appears before the High Court and asks it to drop the proceeding on the ground of its being barred under Section 20 of the Act but the High Court holds that the proceeding is not barred, it may well be that an appeal would lie to this Court under Section 19 from such an order although the proceeding has remained pending in the High Court. We are not called upon to express our final opinion in regard to such an order, but we merely mention this type of order by way of an example to show that even orders made at some intermediate stage in the proceeding may be appealable under Section 19.”

10.3. *While Baradakanta Mishra [(1975) 3 SCC 535 : 1975 SCC (Cri) 99 : AIR 1974 SC 2255] and Purshotam Dass [(1978) 2 SCC 370 : 1978 SCC (Cri) 195 : AIR 1978 SC 1014] left open the question whether an appeal under Section 19 would be maintainable in certain areas, in D.N. Taneja [(1988) 3 SCC 26 : 1988 SCC (Cri) 546] a three-Judge Bench of this Court categorically held that appeals under Section 19 would lie only against the orders punishing the contemnor for contempt and not any other order passed in contempt proceedings. We extract below the relevant portions from the said decision: (SCC pp. 29-32, paras 8, 10 & 12)*

“The right of appeal will be available under sub-section (1) of Section 19 only against any decision or order of a High Court passed in the exercise of its jurisdiction to punish for contempt. ... When the High Court does not impose any punishment on the alleged contemnor, the High Court does not exercise its jurisdiction or power to punish for contempt. The jurisdiction of the High Court is to punish. When no



punishment is imposed by the High Court, it is difficult to say that the High Court has exercised its jurisdiction or power as conferred on it by Article 215 of the Constitution.

It is true that in considering a question whether the alleged contemnor is guilty of contempt or not, the court hears the parties and considers the materials produced before it and, if necessary, examines witnesses and, thereafter, passes an order either acquitting or punishing him for contempt. When the High Court acquits the contemnor, the High Court does not exercise its jurisdiction for contempt, for such exercise will mean that the High Court should act in a particular manner, that is to say, by imposing punishment for contempt. So long as no punishment is imposed by the High Court, the High Court cannot be said to be exercising its jurisdiction or power to punish for contempt under Article 215 of the Constitution.

The aggrieved party under Section 19(1) can only be the contemnor who has been punished for contempt of court.”

(emphasis supplied)

10.4. *In Mahboob S. Allibhoy [(1996) 4 SCC 411 : 1996 SCC (Cri) 675] this Court reiterated the above position thus: (SCC p. 414, para 3)*

“On a plain reading Section 19 provides that an appeal shall lie as of right from any order or decision of the High Court in exercise of its jurisdiction to punish for contempt. In other words, if the High Court passes an order in exercise of its jurisdiction to punish any person for contempt of court, then only an appeal shall be maintainable under sub-section (1) of Section 19 of the Act. As sub-section (1) of Section 19 provides that an appeal shall lie as of right from any order, an impression is



created that an appeal has been provided under the said sub-section against any order passed by the High Court while exercising the jurisdiction of contempt proceedings. The words ‘any order’ have to be read with the expression ‘decision’ used in the said sub-section which the High Court passes in exercise of its jurisdiction to punish for contempt. ‘Any order’ is not independent of the expression ‘decision’. They have been put in an alternative form saying ‘order’ or ‘decision’. In either case, it must be in the nature of punishment for contempt. If the expression ‘any order’ is read independently of the ‘decision’ then an appeal shall lie under sub-section (1) of Section 19 even against any interlocutory order passed in a proceeding for contempt by the High Court which shall lead to a ridiculous result.”

10.5.J.S. Parihar v. Ganpat Duggar [(1996) 6 SCC 291 : 1996 SCC (L&S) 1422] is nearest to this case, on facts. A contempt petition was filed alleging that the seniority list drawn pursuant to the order of the High Court was not in conformity with the said order. The High Court found it to be so, but held that the disobedience was not wilful and, therefore, did not punish for contempt. But the High Court gave a direction to redraw the seniority list. The State Government challenged the said direction in an intra-court appeal. The Division Bench held that the appeal was not maintainable under Section 19 of the CC Act, but was maintainable as an intra-court appeal as the direction issued by the Single Judge would be a “judgment” within the meaning of that expression in Section 18 of the Rajasthan High Court Ordinance. Accordingly, the Division Bench set aside the direction of the learned Single Judge to redo the list. The said order was challenged before this Court. This Court confirmed the decision of the Division Bench and held as follows: (SCC pp. 293-94, paras 5 & 6)



“Therefore, an appeal would lie under Section 19 when an order in exercise of the jurisdiction of the High Court punishing the contemnor has been passed. In this case, the finding was that the respondents had not wilfully disobeyed the order. So, there is no order punishing the respondent for violation of the orders of the High Court. Accordingly, an appeal under Section 19 would not lie.

The question is whether seniority list is open to review in the contempt proceedings to find out whether it is in conformity with the directions issued by the earlier Benches. It is seen that once there is an order passed by the Government on the basis of the directions issued by the court, there arises a fresh cause of action to seek redressal in an appropriate forum. The preparation of the seniority list may be wrong or may be right or may or may not be in conformity with the directions. But that would be a fresh cause of action for the aggrieved party to avail of the opportunity of judicial review. But that cannot be considered to be the wilful violation of the order. After re-exercising the judicial review in contempt proceedings, a fresh direction by the learned Single Judge cannot be given to redraw the seniority list. In other words, the learned Judge was exercising the jurisdiction to consider the matter on merits in the contempt proceedings. It would not be permissible....”

11. The position emerging from these decisions, in regard to appeals against orders in contempt proceedings may be summarised thus:

I. An appeal under Section 19 is maintainable only against an order or decision of the High Court passed in exercise of its jurisdiction to punish for contempt, that is, an order imposing punishment for contempt.



II. Neither an order declining to initiate proceedings for contempt, nor an order initiating proceedings for contempt nor an order dropping the proceedings for contempt nor an order acquitting or exonerating the contemnor, is appealable under Section 19 of the CC Act. In special circumstances, they may be open to challenge under Article 136 of the Constitution.

III. In a proceeding for contempt, the High Court can decide whether any contempt of court has been committed, and if so, what should be the punishment and matters incidental thereto. In such a proceeding, it is not appropriate to adjudicate or decide any issue relating to the merits of the dispute between the parties.

IV. Any direction issued or decision made by the High Court on the merits of a dispute between the parties, will not be in the exercise of "jurisdiction to punish for contempt" and, therefore, not appealable under Section 19 of the CC Act. The only exception is where such direction or decision is incidental to or inextricably connected with the order punishing for contempt, in which event the appeal under Section 19 of the Act, can also encompass the incidental or inextricably connected directions.

V. If the High Court, for whatsoever reason, decides an issue or makes any direction, relating to the merits of the dispute between the parties, in a contempt proceedings, the aggrieved person is not without remedy. Such an order is open to challenge in an intra-court appeal (if the order was of a learned Single Judge and there is a provision for an intra-court appeal), or by seeking special leave to appeal under Article 136 of the Constitution of India (in other cases).

The first point is answered accordingly."

7. Accordingly, the present appeal filed under Section 19 of the Contempt of Courts Act, 1971 is held as not maintainable.



2026:DHC:265-DB



8. However, we direct that the hard copies of the bills may be provided to the Appellant by the BSES along with necessary details within two weeks.
9. For this purpose, Mr. Sameer Vashisht, Id. Counsel may assist in this process. Beyond this no other order can be passed at this stage. If the Petitioner has any grievance against the bills raised, he is free to avail of remedies in accordance with law.
10. The petition along with pending application, is disposed of in the aforesaid terms.

PRATHIBA M. SINGH
JUDGE

MADHU JAIN
JUDGE

JANUARY 9, 2026
kk/ck