REPORTABLE

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

Special Leave Petition (Civil) No.17688/2013
(CC 7200/2013)

M/S RAJURESHWAR & ASSOCIATES **Petitioner**

VERSUS

STATE OF MAHARASHTRA & ORS. **Respondents**

O R D E R

Delay condoned.

This special leave petition is directed against the order of the High Court of Judicature at Bombay, Bench at Aurangabad passed in Contempt Petition No. 175 of 2005 arising out of Writ Petition No.5219 of 2001, which was rejected as the learned Single Judge was of the view that the contempt petition related to a direction for payment of interest at the rate of 11% p.a. since there was a mistake in the calculation for the period in which the amount was temporarily invested in pursuance to the directions of the Supreme Court.

It appears that the petitioner had filed a contempt petition in the High Court of Bombay alleging that the directions and order passed by this Court in Civil Appeal No. 8539 of 2002 whereby this Court had

allowed interest to be claimed by the petitioner @ 11% since the sale of the property for which the petitioner was a bidder, had been wrongly cancelled with which this Court refused to interfere but maintained the order of refund amount along with 11% p.a. simple interest within a period of four months.

The Petitioner felt aggrieved as the amount accruing towards 11% interest as per computation of the petitioner had not been deposited by the respondent State. However, the petitioner did not move this Court which had passed the order alleging contempt but moved the High Court of Bombay stating that the Respondents have indulged in contempt as they did not deposit the amount accrued towards 11% interest which was directed by the Supreme Court in Civil Appeal No. 8539 of 2002. The learned Single Judge dismissed the contempt petition as he was of the view that the contempt petition alleging non-compliance of the judgment and order passed by the Supreme Court will have to be addressed by the Supreme Court itself and not by the High Court, especially when no such liberty was given by the Supreme Court to initiate any proceeding in the High Court alleging non-compliance of its order. Learned Single Judge has also relied upon certain authorities in support of the

view that contempt petition cannot be entertained by the High Court alleging non-compliance of the order passed by the Supreme Court.

Having perused the reasons in the light of the submission of the counsel for the petitioner, we find no infirmity in the view taken by the High Court as it cannot be disputed that the judgment and order passed by a particular Court, especially the Supreme Court if alleged not to have been complied, will have to be taken care of and addressed by the Court which passed the order sought to be complied. The petitioner, therefore, wrongly approached the High Court for initiating contempt proceedings and the same has rightly not been entertained. Challenge to the said order by this special leave petition, therefore, is not fit to be entertained; hence the special leave petition is dismissed.

However, counsel for the petitioner submits that if this Court is of the view that the petitioner had approached the wrong forum for initiating contempt proceedings, he should not be deprived of the liberty to approach the appropriate forum, which is the Supreme Court, for initiating fresh contempt proceedings alleging non-compliance of the judgment

and order passed by this Court in Civil Appeal No. 8539 of 2002.

We make it clear that we are not coming in the way of the petitioner to take any appropriate steps before any appropriate Forum for compliance of the order and judgment passed by this Court and therefore, he is at liberty to take recourse to any legal remedy that may be available to him under the law including a contempt petition which obviously will be dealt with by the appropriate Court on its own merits.

.....J.
(GYAN SUDHA MISRA)

.....J.
(J. CHELAMESWAR)

NEW DELHI
APRIL 08, 2013