

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CONTEMPT PETITION(C)No.30 OF 2008

IN

CIVIL APPEAL NO.1329 OF 2007

ASIT BARAN CHAUDHURI

... Petitioner(s)

Versus

MANGLA RAI & ORS.

... Respondent(s)

ORDER

Having heard learned counsel for the respective parties, we are of the view that having regard to the directions which had been passed by this Court on 13th March, 2007 in Civil Appeal No.1329 of 2007, an application for contempt would not really lie. In our said order, we had directed the appellant to consider the representation made by the respondents in the said proceedings, in accordance with law, in the manner indicated in the order itself.

However, it is the case of the petitioner before us, that the said order was not complied with in letter and spirit and relying on the same documents which had earlier been relied upon, the alleged contemnor/opposite parties have once again decided the matter against the petitioner.

Mr. Mukherejee, learned counsel appearing in support of the contempt petition submits that since the earlier documents had been considered in the earlier proceedings and discarded, the authorities ought not to have relied on the same while disposing of the petitioner's representation in terms of the directions given by us earlier.

While appreciating the submissions made by Mr. Mukherjee, we still are unable to hold that any contempt has been committed, and, on the other hand, it is always open to the petitioner to move a fresh writ application against the decision of the concerned authority/alleged contemnor/opposite parties. In the event, such application is filed, the petitioner will be entitled to take all these points which have been taken in the contempt petition and having regard to

the circumstances, the CAT should take steps to ensure that the application is disposed of as expeditiously as possible. In addition to what has been mentioned hereinabove, we make it clear that we have not expressed any

opinion on the merits of the matter, and it will be open to the Tribunal to decide the same.

The contempt petition is disposed of.

.....J.
(ALTAMAS KABIR)

.....J.
(MARKANDEY KATJU)

New Delhi,
December 15, 2008.

