

(2018) 03 RAJ CK 0055

In the Rajasthan High Court

Case No : Civil Contempt Petition No.1861 of 2017

M C Shree Raghunath Balika @APPELLANT@Hash State Of Rajasthan

Date of Decision : 07-03-2018

Acts Referred:

Citation : (2018) 03 RAJ CK 0055

Hon'ble Judges : ALOK SHARMA, J

Bench : Single Bench

Advocate : Vivek Dangi, S.K. Gupta

Final Decision : Dismissed

Judgement

Mr. S.K. Gupta, AAG submits that aside of principal amount of grant in aid the amount of interest thereon aggregating to Rs.6,70,504/- has also been paid to the petitioner institute. As such no contempt of the order dated 16-8-2017 is made out.

Mr. Vivek Dangi, counsel for the petitioner submits that interest due has not been appropriately calculated in terms of the judgment dated 10-2-2017 in

SBCWP No.4807/2015 and order dated 16-8-2017 in SB Civil Contempt Petition No.956/2017. He submitted that in terms thereof the amount of

interest works out to Rs.9,50,714/-. It was further submitted that the respondents are in any event in contempt of order dated 16-8-2017, as instead of paying the amount due within two months as directed, it has been paid after several months.

Heard. Considered.

From reading of the judgment dated 10-2-2017 and order dated 16-8-2017 it is apparent that there is no specific direction as to from which date and till

which date interest at the rate of 6% per annum on the due grant in aid was to be paid to the petitioner Vidyalaya. Contempt proceedings are quasi

criminal in nature. To be invoked a specific, clear and categorical directions by the court has to be a matter of wilfull disobedience. The period during

which the interest was to be paid, not being specifcially stated by the court under its judgment/ order, this court is not in a position to accept the

contention of counsel for the petitioner that the amount of interest due under the court's directions is short paid. Besides, on the contrary Mr. S.K.

Gupta, AAG has submitted that amount of itnerest has been paid to the petitioner in excess.

Be as it may, in over all facts of the case, substantial compliance of the order dated 16-8-2017 has been made, I therefore cannot find the respondents

in contempt of the order dated 16-8-2017 or for that matter judgment dated 10-22017. There is however indeed a delay in payment of interest. But

substantial compliance having been made by respondents in interest on due amount @ 6% per annum being paid, they cannot be punished for

contempt of this court. It is well settled that, civil contempt proceedings are not for punishing the contemnors, but for enfrocement of the order of the

court unless defiance in complying with clear directions of the court is made out.

I thus find no contempt made out. The petition is dismissed. Notices are discharged.