

(1998) 02 P&H CK 0051

In the Punjab And Haryana At Chandigarh

Case No : Civil Original Contempt Petition No. 211 of 1998

M/s. Rajaram Corn Products (Punjab) Ltd.

APPELLANT

Vs

F. Lal Kansal and another

RESPONDENT

Date of Decision : 20-02-1998

Acts Referred:

Constitution of India, 1950 — Article 215
Contempt of Courts Act, 1971 — Section 10, 12

Citation : (1998) CriLJ 3126 : (1998) 2 RCR(Civil) 195

Hon'ble Judges : Sat Pal, J

Bench : Single Bench

Advocate : Salil Sagar, for the Appellant;

Judgement

1. This petition has been filed by the petitioner under Sections 10 and 12 of the Contempt of Courts Act, 1971 read with Article Contempt 215 of the Constitution of India for punishing the respondents for violating the order granted by the Division Bench of this Court in CWP 17628 of 1996 and misleading this Court by concealing the correct factual position from the Division Bench which passed the order dated 20-10-1997 in Civil Writ Petition No. 16130 of 1994 and connected matters.

2. Mr. Salil Sagar, the learned counsel appearing on behalf of the petitioner submits that the petitioner had filed Civil Writ Petition No. 17628 of 1996 and this writ petition was admitted on 14-8-1997 and an interim order to the effect that "no penal action will be taken" was passed on 20-11-1996 which was confirmed on 14-8-1997. He, therefore, contends that in view of the interim order having been confirmed on 14-8-1997, the respondents have deliberately violated this order by issuing the notice dated 19-1-1998 (Annexure P-3). It may be noted here that in the said notice dated 19-1-1998, it has been stated that the stay having been vacated by the Hon'ble High Court in Civil Writ Petition No. 16130 of 1994, the petitioner is given opportunity to appear before the Chairman, Punjab Pollution Board, Patiala on 10-2-1998 to explain their position

failing which further action would be taken as per law.

3. After hearing the learned counsel for the petitioner and having perused the records of the case, I however, find that no case is made out under Sections 10 and 12 of the Contempt of Courts Act, 1971 or under Article 215 of the Constitution of India. From the records, I find that Civil Writ Petition No. 16130 of 1994 along with certain other connected cases came up for hearing before a Division Bench of this Court on 20-10-1997 and on that date the following order with regard to the stay granted in earlier cases was passed :-

"It has also been contended by the learned counsel for the Pollution Control Board that in some writ petitions stay orders have been obtained and in those cases Board would not be in a position to take any action as directed hereinabove. After considering this argument of the learned counsel for the Pollution Control Board and for letting the Pollution Control Board to act in accordance with the directions given hereinabove we, hereby order that the stay orders, if any, passed in the cases mentioned in Annexure-A of the high level committee's report and C.W.P. Nos. 13471/96, 17647/96, 16105/95, 16520/95, 17654/96, 17139/95, 16832/96, 18106/96, 12195/96, 17853/96, 18470/96 and 17101/1996 shall stand vacated."

4. It is an admitted fact that the name of the petitioner-company figures in Annexure-A. Since the name of the petitioner-company figures in Annexure-A, the interim stay granted in favour of the petitioner-company on 14-8-1997 stands vacated in terms of the order dated 20-10-1997, mentioned hereinabove.

5. In view of the above discussion, I do not find any merit in this petition and the same is dismissed. The petitioner-company shall, however, be at liberty to file an appropriate application before the Division Bench concerned for modification/clarification of the order dated 20-10-1997, if so advised.

6. Petition dismissed.