

ITEM NO.56

COURT NO.3

SECTION IV-C

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (C) No(s). 6705/2023

(Arising out of impugned final judgment and order dated 09-02-2023 in CONT No. 866/2022 passed by the High Court Of Chhatisgarh At Bilaspur)

M/S VINAY INDUSTRIES

Petitioner(s)

VERSUS

ANIL TUTEJA & ORS.

Respondent(s)

(IA No. 166928/2023 - EXEMPTION FROM FILING O.T. AND IA No. 67096/2023 - EXEMPTION FROM FILING O.T.)

Date : 12-02-2024 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.R. GAVAI
 HON'BLE MR. JUSTICE SANDEEP MEHTA

For Petitioner(s)

Mrs. June Chaudhari, Sr. Adv.
 Mr. Uzmi Jameel Husain, Adv.
 Mr. Mohd Parvez Dabas, Adv.
 Mr. Mohd Shakim, Adv.
 Ms. Qurratulain, AOR

For Respondent(s)

Mr. Vikrant Singh Bais, AOR

UPON hearing the counsel the Court made the following
 O R D E R

1. The present petition challenges the judgment and order dated 9th February, 2023 passed by the High Court of Chhattisgarh, Bilaspur whereby the High Court has disposed of the contempt petition alleging the contempt of the order passed by the High Court dated 31st January, 2022 holding that

the alleged contemnor(s) complied with the directions of the High Court.

2. Vide paragraph 7 of the order dated 31st January, 2022, the High Court had directed the respondents to consider the claim of the petitioner on its own merits in accordance with law.

3. Though the High Court has observed that the size of the plot and the rate to be allotted would be sorted out between the parties, but at the same time, it had made clear while taking decision, the respondent(s) shall also take note of any allotment of land, if any given to M/s. Satna Minerals and Metal Pvt. Ltd., who was petitioner in W.P.(C) No. 2222 of 2015.

4. The Perusal of the impugned order would reveal that though the land was allotted in favour of the petitioner, the same is at the rate of 46 lakhs per acre.

5. Learned counsel for the respondent-State urges that the difference of rate in the land allotted to M/s. Satna Minerals and Metal Pvt. Ltd. and that to the petitioner in the present case is on account of the change of Rules in the year 2015.

6. A perusal of the material on record (Annexure P-8 at page 60 of the SLP paper book) would reveal that the land was allotted in favour of M/s. Satna Minerals and Metal Pvt. Ltd. on 25th January, 2021 at the rate of 8 lakhs per acre.

7. It can thus be clearly seen that the lease was executed in favour of the M/s. Satna Minerals and Metal Pvt. Ltd. Well after in the year 2015.

8. *Prima facie*, we are of the view the High Court was not right in holding that the respondents were not in contempt of the order passed by the High Court dated 31st January, 2022.

9. We, therefore, direct the present incumbents in the Office of respondent (The Director, Directorate of Industries, Udyog Bhawan) and Respondent (The Chief General Manager, District Trade and Industries Center, Durg (C.G.)) to personally remain present in this Court on 26th February, 2024 and show cause as to why an action for committing the contempt of the High Court be not taken against them.

10. List this matter on 26.02.2024.

(DEEPAK SINGH)
COURT MASTER (SH)

(ANJU KAPOOR)
COURT MASTER (NSH)