

CCP No. 170/05  
In  
O.A No. 856/99

Dt. 25.09.2007


Hon'ble Mr. Justice Khem Karan, VC  
Hon'ble Mr. K.S. Menon, AM

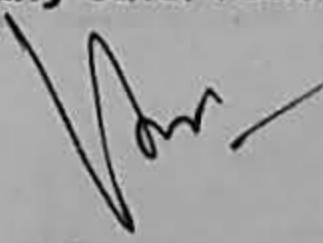
Heard Sri H.S. Srivastava, learned counsel appearing for the applicant and Sri Ravi Ranjan, holding brief of Sri Prashant Mathur for the respondents on M.A No. 1540/2007 for recalling the order dated 01.05.2006 by which Contempt Petition No. 170/05 was dismissed and the notice issued to the respondent was discharged.

What learned counsel for the applicant submits is that the respondents have wrongly stated in the contempt proceedings that the directions dated 30.03.2005 of this Tribunal issued in O.A No. 856/99 have been complied with. He says the fact is that the directions have not been complied with even up to this date. He has narrated in the application as to in what respect, the compliance is warranting.

When we put a point quarrying to Sri H.S. Srivastava as to how such an application for recalling such an order is maintainable, he tried to have supported from the provisions contained under rule 24 of the Procedure Rules. He argued that the provisions contained under rule 24 of the Rules 1987 are meant to do substantial justice and so this Tribunal can, in exercise of those powers, recall such an order as one dated 01.05.2006. We do not find ourselves in agreement with Sri Srivastava for the simple reason that contempt powers are regulated by the provisions under the Act of 1971 and contempt rules framed by the Tribunal. We have grave doubt whether rule 24 of Procedure Rules of 1987 can be pressed in for recalling the order dated 01.05.2006. No such provision exists under the act of 1971 or under the contempt rules 1993, which enable the Tribunal to revive the contempt case, which has already been decided on merits by dropping the proceedings and by discharging the notice issued to the contemnor.

So, this Misc. Application No. 1504/07 is rejected as not maintainable but without prejudice to the right of the applicant to take any other recourse as permissible under the law. Let record be consigned.

  
AM

  
VC