

CENTRAL ADMINISTRATIVE TRIBUNAL,
JABALPUR BENCH,
JABALPUR

Contempt Petition No. 8 of 2007 in
Original Application No. 770 of 2004

Jabalpur, this the 5th day of September, 2007

Hon'ble Dr. G.C. Srivastava, Vice Chairman
Hon'ble Mr. A.K. Gaur, Judicial Member

Smt. Sashi Jain, aged about 45 years,
w/o. late Shri A.K. Jain, r/o. Opposite
Narsingh Gali, Bazaria-Ward No. 11,
Hoshangabad (MP). Petitioner

(By Advocate – Shri T. Salunke on behalf of Shri S. Nagu)

V e r s u s

1. Ms. M.H. Kherawala, Chairman, Central
Board of Direct Taxes, North Block,
New Delhi – 110001.
2. Shri Sudeep Rai, Chief Commissioner of
Income Tax, Ayakar Bhawan, Hoshangabad
Road, Opposite Maida Mill, Habibganj,
Bhopal (MP).
3. Shri Prakash Chand, Commissioner of Income
Tax, Ayakar Bhawan, Hoshangabad Road,
Opposite Maida Mill, Habibganj,
Bhopal (MP). Respondents

(By Advocate – Shri Sanjay Lal on behalf of Shri Rohit Arya)

ORDER (Oral)

By A.K. Gaur, Judicial Member –

The learned counsel for the respondents stated that the order has already been complied with. He has referred to paragraph 7 in support of his contention. In this paragraph it is mentioned that the required payment has already been made vide DD No. 991531 dated 17.4.2007 of Rs. 86,146/- issued in favour of the petitioner. The said DD has

42

already been dispatched to the petitioner vide letter dated 7.5.2007 (Annexure R/2).

2. The learned counsel for the applicant on the other hand stated that the amount is inadequate.

3. Having considered the rival contentions on behalf of the parties counsel, we do not find an iota of evidence to show that the respondents have willfully disobeyed the order and direction of this Tribunal passed in the aforesaid Original Application. If the applicant is still aggrieved by the order passed by the respondents then he can challenge the same by filing a separate Original Application. This Tribunal cannot sit as court of appeal over the findings recorded earlier. The legality and propriety of the order passed in Original Application cannot be seen in the contempt jurisdiction.

4. In view of the aforesaid observations, we find that no case for contempt is made out and accordingly, the contempt petition is dismissed. Notices issued are discharged.

A.K. Gaur
(A.K. Gaur)
Judicial Member

G.C. Srivastava
(Dr. G.C. Srivastava)
Vice Chairman

"SA"

पृष्ठान्त से ओ/व्या..... जलेशपुर, दि.....
पतिलिपि अद्यो नितः--
(1) सचिव, उच्च न्यायालय का..... जलेशपुर
(2) आवेदन की/जिस्टी/पु..... के कारुंस्
(3) प्रत्यक्षी की/जीस्टी/पु..... के कारुंस्
(4)
7-9-07
उप निरीक्षक

Shri S. Nayar
Shri R. K. Arora

7/9/07