

**Central Administrative Tribunal  
Principal Bench, New Delhi**

C.P.No.270/2014 in O.A. No.1649/2013

Wednesday, this the 6<sup>th</sup> day of January 2016

**Hon'ble Mr. Mr. V. Ajay Kumar, Member (J)  
Hon'ble Mr. A.K. Bhardwaj, Member (J)  
Hon'ble Mr. K.N. Shrivastava, Member (A)**

Mr. D P Bhatia  
Age 59 years  
s/o late Mr. J L Bhatia  
r/o BD-ID, DDA Flats  
Munirka, New Delhi-67

..Applicant  
(Mr. S K Gupta, Advocate)

Versus

1. Mr. Shakthikant Das  
Secretary  
Ministry of Finance  
Department of Revenue  
North Block, New Delhi
2. Mrs. J M Shanti Sundharam  
Chairperson  
Central Board of Excise & Customs  
Department of Revenue  
Ministry of Finance,  
North Block, New Delhi
3. Mr. A K Gupta  
Chief Commissioner  
Central Excise (Delhi Zone)  
C R Building, IP Estate, New Delhi-01

.. Respondents  
(Mr. R.N. Singh and Mr. Amit Sinha, Advocates)

**O R D E R (ORAL)**

**Mr. V. Ajay Kumar:**

Heard both sides.

2. The issue referred to the present Full Bench is as under:-

“4. We, therefore, direct the Registry to place this case before the Hon’ble Chairman to constitute a Full Bench to answer the following question:-

“In the absence of any stay granted by the Hon’ble High Court or the Hon’ble Supreme Court against the order of this Tribunal or any other direction(s) in that regard, whether this Tribunal is restrained from initiating contempt proceedings against the alleged contemnors for not complying with the order(s) of this Tribunal.”

3. When this matter was taken up for hearing today, both the learned counsels have agreed that the issue referred in the Contempt Petition has already been answered in a Three Judge Bench judgment of the Hon’ble Supreme Court in **Ram Avadh Singh v. Lalji Yadav & others** (Special Leave to Appeal (Crl.) No.2253/2000) dated 20.08.2001 and the relevant part of which reads thus:-

“Leave granted.

After hearing the counsel for the parties, we are of the opinion that this is not a fit case where proceedings for contempt should have been initiated, especially in view of the fact that against the judgment which was delivered against the appellant an appeal had been filed and neither the appeal nor even the stay application has been decided. In view of the pendency of the said stay application, the contempt proceedings are ordered to be withdrawn. If the stay application is dismissed, it would then be open to the respondents to take further action. The High Court should dispose of the stay application as expeditiously as possible and without granting any further adjournment.

The appeal is disposed of.”

4. It is also admitted that the said decision has also been referred to by Hon’ble High Court of Delhi in **Rajbir Singh v. Rajeev Verma, Chairman-Cum-Managing Director, Delhi Transport Corporation** (Cont.CAS(C) No.701/2013) decided on 11.09.2013.

5. In the circumstances, since the issue referred has already been covered by a Three Judge Bench decision of the Hon'ble Apex Court, the reference is disposed of in terms of the said decision. Accordingly, the Contempt Petition may be placed before an appropriate Division Bench on 27.01.2016.

**( A.K. Bhardwaj )**  
**Member (J)**

**( V. Ajay Kumar )**  
**Member (J)**

**( K.N. Shrivastava )**  
**Member (A)**

**January 6, 2016**  
/sunil/