



Cont.P.No.1647 of 2022

Contempt Petition No.1647 of 2022

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DR.G.JAYACHANDRAN, J.

It is very unfortunate that the learned Presiding Officer of the Special Court under TNPID Cases, Coimbatore, has patently and wilfully neglected to comply the order passed by this Court on 25.04.2022 which reads as below:-

“The District Revenue Officer/Competent Authority is also directed to complete the said process, within a period of 45 days from the date of receipt of a copy of this order. The trial Court shall not proceed further, till the receipt of the report from the District Revenue Officer regarding the disbursement of the principal to the unpaid depositors.

15.Thus, it is clarified that the amount available with the District Revenue Officer has to be disbursed to the unpaid creditors to discharge the principal amount which has been deposited with the accused. It is open to the depositors to be satisfied with the principal and compounding the offence or seek interest. It is for the trial Court to decide about the entitlement/legality for the claim of interest and decide the petition for compounding the offence.”

2. When the contempt petition was filed stating that there is a wilful disobedience of the order, this Court initially felt that the said



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allegation is an exaggerated version of the aggrieved petitioner. Therefore, to verify the Status Report from the learned Judge was called for.

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3. On perusing the Status Report forwarded by the Presiding Officer, this Court is of the view that the Presiding Officer has his own vision and keep on passing orders, precipitating the issue by violating the direction given by this Court.

4. To be precise, when the original petition was disposed on 25.04.2022, this Court made a specific direction to the District Revenue Officer/Competent Authority to disburse the available money to the depositors matching their principal amount invested by them and thereafter to decide about the entitlement and legality for the claim of interest. This Court also directed the trial Court not to proceed further till the report from the District Revenue Officer regarding disbursement of the principal amount to the unpaid creditors received. However, the Court below has proceeded, on being satisfied that the depositors are demanding interest and fixed 18% interest, till 25.04.2022 without realising the principal amount, has passed the following order on 02.08.2022 :-

“In the result, the accused are hereby directed



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to pay the principal amount together with interest at 18% per annum from the date of deposit till the date of order of the Hon'ble High Court, Madras in CrI.O.P.No.21146 of 2020 and W.P.No.13133 of 2017, dated 25.04.2022 to the depositors on their respective principal amounts. Call on 16.08.2022.”

5. Even thereafter, when it was brought to the notice of the learned Judge about the pendency of contempt petition and the same is under consideration before this Court, the trial Court has passed another order on 23.09.2022 made absolute the ad-interim attachment of property and permitting the Competent Authority to sell the properties in public auction.

6. In view of this Court, the orders passed by the learned Judge is gross violation of the direction issued on 25.04.2022. Therefore, this Court stay further proceedings in C.C.No.8 of 2008 until further orders. The learned counsel appearing for the petitioner states that the order dated 23.09.2022 is stayed by this Court in C.M.A.No.2207 of 2022 dated 30.09.2022.



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11.10.2022

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