

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 831 OF 2017
[@ SPECIAL LEAVE PETITION NO. 1739 OF 2017]

AGYAPPAUL SINGH

Appellant(s)

VERSUS

STATE BANK OF INDIA (SAMB)

Respondent(s)

J U D G M E N T

KURIAN, J.

1. Leave granted.

2. In the peculiar facts of this case, it is not necessary to issue notice to the respondent.

3. The appellant is aggrieved by the impugned order dated 23.12.2016 passed by the High Court of Punjab and Haryana in COCP No. 2084 of 2016. According to the High Court, the appellant is to be proceeded against for violating the order dated 01.06.2016 passed by the High Court. The order dated 01.06.2016 reads as follows :-

"The petition is allowed to be withdrawn with liberty to avail the alternate remedy under the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (in short SARFAESI Act).

2. The only concession that we are inclined to grant to the petitioners an opportunity to make an application for interim reliefs before the Debts Recovery Tribunal. For this purpose alone we direct the bank not to encash the cheque dated 25.06.2016 till 25.07.2016 and further direct that the District Magistrate, Ludhiana shall adjourn the hearing of the application under Section 14 of the SARFAESI Act till 31.07.2016. This is in view of the express undertaking given to the Court that the cheque will be honoured upon presentation on or after 25.07.2016."

4. It is not in dispute that a cheque for an amount of Rs. 7.5 crores (Rupees Seven Crores and Fifty Lakhs) presented to the bank was dishonoured. It is the case of the appellant that only on this fact, he is not liable to be proceeded with in proceedings for Contempt of Court Act. If only there is a willful disobedience, the appellant may be punished.

5. Whether there is a willful or deliberate disobedience of the order passed by the Court is something to be seen from the reply filed by the appellant to the show cause notice. Even before issuing show cause, we find that the High Court has entered a satisfaction that ".....this court is not

inclined to accept the prayer (to file reply) as this court finds prima facie that contempt of court has been committed."

6. In that view of the matter, we set aside the impugned order passed by the High Court. The High Court shall grant an opportunity to the appellant to file his reply and on the reply being filed, the appellant may be heard and only thereafter, the High Court may form an opinion as to whether the court should proceed against the appellant for Contempt of Court.

7. In the light of what we have stated above, we request the High Court not to insist upon the personal presence of the appellant till the Court passes appropriate orders in the light of the reply furnished by the appellant.

8. In view of the above, the appeal is disposed of.

No costs.

.....J.
[KURIAN JOSEPH]

.....J.
[A. M. KHANWILKAR]

New Delhi;
January 23, 2017.

ITEM NO.44

COURT NO.7

SECTION IVB

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s). 1739/2017

(Arising out of impugned final judgment and order dated 23/12/2016 in COCP No. 2084/2016 passed by the High Court Of Punjab & Haryana At Chandigarh)

AGYAPPAUL SINGH

Petitioner(s)

VERSUS

STATE BANK OF INDIA (SAMB)

Respondent(s)

(with appln. (s) for exemption from filing c/c of the impugned judgment and permission to place addl. documents on record and interim relief)

Date : 23/01/2017 This petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE KURIAN JOSEPH
HON'BLE MR. JUSTICE A.M. KHANWILKAR

For Petitioner(s) Mr. Yashubant Das, Sr. Adv.
Mr. Kedar Nath Tripathy, Adv.
Mr. M.A. Aleem Majid, Adv.
Mr. R. S. Mishra, Adv.
Mr. Bhabna Das, Adv.

For Respondent(s)

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

Leave granted.

The appeal is disposed of in terms of the signed non-reportable Judgment

Pending interlocutory applications, if any, stand disposed of.

(Jayant Kumar Arora)
Court Master

(Renu Diwan)
Assistant Registrar

(Signed non-reportable Judgment is placed on the file)

