

**IN THE SUPREME COURT OF INDIA
INHERENT JURISDICTION**

Contempt Petition (C) No 305 of 2020

In

Special Leave Petition (Civil) No 16731 of 2019

**Mahatma Gandhi Girls Post
Graduate College, Firozabad**

...Petitioner

Versus

Dinesh Chand Gupta

...Respondent

ORDER

- 1 We have heard Mr Shantanu Bansal, learned counsel for the petitioner and Mr V K Shukla, learned counsel for the respondent. The respondent, Dinesh Chand Gupta, is personally present through the video conferencing mode.
- 2 By the order of this Court dated 26 July 2019, time to vacate the suit premises was granted to the respondent-contemnor until 31 October 2019. There has been a breach of the undertaking which was filed before this Court on 8 August 2019 by failing to vacate the premises and to pay the arrears up-to-date.
- 3 This Court issued a notice to show cause on 7 February 2020. On 2 March 2020, the Court held that there was a breach of the order, but granted an

indulgence to the respondent-contemnor to hand over possession by 6 March 2020 and to pay the outstanding arrears in terms of the order of the trial court. Possession has been handed over by 6 March 2020, but the up-to-date arrears have not been paid. Hence, not only has there been a breach of the undertaking to vacate the premises by 31 October 2019, there is also in addition a breach of the direction to pay up-to-date arrears and a violation of the order passed by this Court on 2 March 2020.

- 4 On the previous occasion, a statement was made on behalf of the respondent-contemnor that the arrears have been paid up to June 2019. Mr Shantanu Bansal, learned counsel appearing on behalf of the petitioner submits that as a matter of fact, the respondent has deposited an amount only of Rs 25,500 before the trial court which is up to an inclusive of June 2016. On the other hand, Mr V K Shukla, learned counsel appearing on behalf of the respondent-contemnor states that the payment has been deposited in the trial court up to August 2020.

- 5 Without this Court being required to resolve the factual controversy, we are of the view that an appropriate direction is necessitated at this stage, having regard to the clear breach of the undertaking and judicial orders. Ordinarily, this Court would have been justified in sentencing the petitioner for contempt of court, but we are desisting from exercising this jurisdiction at the present stage so as to enable the respondent to comply with the remaining obligation to pay the arrears up to the date on which the premises

were vacated. To effectuate this, we direct that the respondent-contemnor shall deposit on account an amount of Rs 75,000 before the learned trial Judge on or before 31 May 2021. The learned trial Judge shall make a computation of the amount of arrears due and payable to the petitioner-landlord. In the event that the amount deposited is found to be more than what is due and payable, the correct amount shall be paid over to the landlord and the balance shall be refunded to the tenant. Likewise, if the respondent-contemnor is liable to pay any additional amount, he shall do so within a period of one week of the determination made by the trial court. We expressly place the respondent-contemnor on notice that should there be any breach of the above direction, it shall invite serious action under the powers of this Court to punish him for contempt. In that event the petitioner would be at liberty to revive the present petition.

- 6 The Petition is accordingly disposed of.

- 7 Pending applications, if any, stand disposed of.

.....J.
[Dr Dhananjaya Y Chandrachud]

.....J.
[M R Shah]

New Delhi;
April 16, 2021
CKB

ITEM NO.30

Court 6 (Video Conferencing)

SECTION XI

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

CONMT.PET.(C) No.305/2020 in S.L.P.(C) No.16731/2019

MAHATMA GANDHI GIRLS POST GRADUATE COLLEGE

Petitioner(s)

VERSUS

DINESH CHAND GUPTA

Respondent(s)

(With appln.(s) for IA No. 9453/2020 - EXEMPTION FROM FILING O.T.
and IA No. 9459/2020 - EXEMPTION FROM FILING PAPER BOOKS)

Date : 16-04-2021 These matters were called on for hearing today.

CORAM :

HON'BLE DR. JUSTICE D.Y. CHANDRACHUD
HON'BLE MR. JUSTICE M.R. SHAH

For Petitioner(s)

Mr. Shantanu Bansal, AOR

For Respondent(s)

Mr. V.K. Shukla, Adv.
Mr. Varinder Kumar Sharma, AOR
Ms. Nupur Shukla, Adv.
Mr. Shantanu Sharma, Adv.

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

- 1 The Contempt Petition is disposed of in terms of the signed order.
- 2 Pending applications, if any, stand disposed of.

(CHETAN KUMAR)
A.R. -cum-P.S.

(SAROJ KUMARI GAUR)
Court Master

(Signed order is placed on the file)