

IN THE SUPREME COURT OF INDIA  
INHERENT JURISDICTION

CONTEMPT PETITION (CIVIL) NOS.1956-58 OF 2017

IN

CIVIL APPEAL NOS.5393-5395 OF 2009

M/S. HOTEL TRAMBOO CONTINENTAL .. Petitioner(s)

Versus

STATE OF JAMMU AND KASHMIR, THROUGH CHIEF .. Respondent(s)  
SECRETARY

O R D E R

The amount of rent payable to the petitioner by the State of Jammu & Kashmir for the period 1997 to 2008 was the dispute in Civil Appeal Nos.5393-5395 of 2009. While disposing of the appeals, a direction was given to the Chief Secretary, State of Jammu and Kashmir to take a decision regarding the rent payable to the petitioner for occupation of the rooms during the period 1997-2008. It was clarified in the said order that the fate of the interim order under which the petitioner was paid rent @ Rs.200/- per day per room as in the case of other departments, will depend on the final decision taken by the Chief Secretary. It was made clear that any amount more than Rs.200/- per day fixed by the Chief Secretary shall be paid to the petitioner within a period of three months from the date of the order. In

case, the rent fixed would be less than Rs.200/-, the petitioner was directed to refund the excess amount within a period of three months.

The above contempt petitions are filed complaining about the inaction of the Chief Secretary in not complying with the directions issued by this Court vide Order dated 19<sup>th</sup> July, 2017 in Civil Appeal Nos.5393-5395 of 2009 by not adjudicating the dispute pertaining to the rent. A counter affidavit has been filed by the State of Jammu and Kashmir stating that an order was passed on 25<sup>th</sup> November, 2017 in compliance with the directions issued by this Court. The claim of the petitioner for payment of enhanced rent was rejected by the said order. According to the State, no contempt is made out by the petitioner and the contempt petitions are liable to be dismissed.

Ms. Liz Mathew, learned counsel appearing on behalf of the petitioner brings to our notice an Order dated 14<sup>th</sup> December, 2017 passed by this Court in the contempt petitions that there shall be no recovery of rent pursuant to the Order dated 19<sup>th</sup> July, 2017 until further orders. Notice was also issued by the said order in M.A. Diary No.38235 of 2017 by which the petitioner sought a direction that the adjudication of the rent payable to the petitioner should be made by a third party.

There is no dispute that the order dated 25<sup>th</sup> November, 2017

was passed by way of implementation of the order of this Court.  
The petitioner has not been able to make out a case of  
disobedience of the order passed by this Court.

The Contempt Petitions are dismissed.

Pending applications, if any, are disposed of in terms of  
the above order.

.....J.  
(L. NAGESWARA RAO)

.....J.  
( M.R. SHAH )

New Delhi,  
Dated: FEBRUARY 26, 2019.

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS

CONMT.PET.(C) No. 1956-1958/2017 in C.A. No. 5393-5395/2009

M/S HOTEL TRAMBOO CONTINENTAL

Petitioner(s)

VERSUS

THE STATE OF JAMMU AND KASHMIR,  
THROUGH CHIEF SECRETARY

Respondent(s)

(FOR ADMISSION and IA No.136034/2017-PERMISSION TO FILE  
ADDITIONAL DOCUMENTS )Date : 26-02-2019 These petitions were called on for hearing  
today.

CORAM :

HON'BLE MR. JUSTICE L. NAGESWARA RAO  
HON'BLE MR. JUSTICE M.R. SHAHFor Petitioner(s) Ms. Liz Mathew, AOR  
Mr. Navneet R., Adv.For Respondent(s) Mr. M. Shoeb Alam, AOR  
Mr. Ujjwal Singh, Adv.  
Mr. Gautam Prabhakar, Adv.  
Mr. Mojahid Karim Khan, Adv.UPON hearing the counsel the Court made the following  
O R D E RThe Contempt Petitions are dismissed in terms of the Signed  
Order.Pending applications, if any, are disposed of in terms of  
the above order.(GEETA AHUJA)  
COURT MASTER (SH)(KAILASH CHANDER)  
ASSISTANT REGISTRAR

(The Signed Order is placed on the file)