

M/S PACKRAFT (INDIA) PVT. LTD. THROUGH ITS
DIRECTOR V.S. MANN

v.

U.P.F.C. THROUGH ITS M.D., R.M. SETHI AND ORS.

NOVEMBER 13, 1995

[K. RAMASWAMY AND B.L. HANSARIA, JJ.]

Contempt of Court

Law laid down by Supreme Court—Is law under Article 141—Action in violation of law laid down—Held appropriate remedy is judicial review and not contempt proceedings.

This contempt petition has been filed on the ground that the properties of the appellant-defaulter were brought to sale by the respondent—Financial Corporation in violation of the guidelines laid down by this Court in *Mahesh Chandra's* case*.

Dismissing the petition, this Court

HELD : The law laid down by this Court in *Mahesh Chandra's* case is the law under Article 141. It is needless to say that everyone is bound by the law. But, if there is any infraction of the action in violation of the law laid down by this Court, appropriate remedy is to have it corrected by a judicial review but not by way of contempt proceedings in this Court. [180-C]

**Mahesh Chandra v. UPFC, [1993] 2 SCC 279, referred to.*

CONTEMPT JURISDICTION : Contempt Petition No. 326 of 1995.

In

Civil Appeal No. 4503 of 1990.

From the Judgment and Order dated 5.2.90 of the Allahabad High Court in C. Misc. W.P. No. 13916 of 1987.

Mahavir Singh, M.S. Dahiya, Ms. Kusum Singh and B.S. More for the Petitioner.

A The following Order of the Court was delivered :

B This Court in *Mahesh Chandra v. UPFC*, [1993] 2 SCC 279 has laid down the law as to how the properties of a defaulter are to be brought to sale by financial corporations. The petitioner contends that in spite of specific guidelines laid down therein, the property of the petitioner had not been sold consistent with those guidelines. Therefore, it amounts to wilful disobedience of the law laid down by this Court. Thereby, the respondents rendered themselves liable for conviction for contempt of this Court. We are afraid that we cannot accede to the contention.

C The law laid down by this Court in *Mahesh Chandra's* case (*supra*) is the law under Article 141. It is needless to say that everyone is bound by the law. But, if there is any infraction of the action in violation of the law laid down by this Court, appropriate remedy is to have it corrected by a judicial review but not by way of contempt proceedings in this Court.

D Under these circumstances, we cannot accede to the request made by the petitioner to issue notice to them and to convict the respondents for contempt. However, it would be open to the petitioner to seek appropriate remedy according to law.

The contempt petition is accordingly dismissed.

E T.N.A.

Petition dismissed.