

HIGH COURT OF JAMMU AND KASHMIR AT JAMMU

**Contempt (OWP) No. 80/2007**

Date of Decision:31.08.2010

M/s Jay Kay Electronics Pvt. Ltd. Vs. Shekhar Dutt & ors.

**Coram:**

**Mr. Justice J.P.Singh, Judge.**

***Appearing Counsel:***

For Petitioner(s) : Mr. B. S. Salathia, Advocate.

For Respondent(s) : Mr. P. S. Chandel, CGSC.

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|-----|---|-----|
| i)  | Whether to be reported<br>in Press/Journal/Media: | Yes |
| ii) | Whether to be reported<br>in Digest/Journal :     | Yes |

Petitioner has moved this Motion seeking initiation of proceedings in Contempt against the respondents for disobedience of the interim directions issued on 28.02.2007 whereby until the filing of Objections by the respondents, they were directed to issue Tender/Quotations to the petitioner as per the norms/rules.

The petitioner's Complaint is that the respondents have violated the directions of the Court by issuing it only two Tender documents whereas the respondents had invited 500 Quotations and 80 Tender documents.

The respondents' Response to the Complaint indicates that total 67 number of Tenders and 1061 Quotations had been asked for the period commencing from May 2007 to December 2007 and, the petitioner was afforded opportunity to compete for 6 Tenders with 100 Quotations against which it had responded only to 2 Tenders although its entitlement

under rules was 4.7 Tenders and they had thus not disobeyed the directions of the Court in any manner whatsoever.

I have considered the submissions of the learned counsel for the parties in the light of the material placed on records.

It is true that the respondents had initially taken a wrong stand to have issued 6 Tenders to the petitioner by registered post. Their subsequent clarifications, however, indicate that the Tenders had been issued only under Certificate of Posting which course was adopted by the respondents in case of all other Approved Contractors as well.

The respondents have produced the records indicating dispatch of documents to the petitioner after having obtained requisite Certificates regarding posting of the documents.

In view of the material placed on the records, I do not find any evidence to sustain the petitioner's Complaint that the respondents had avoided despatch of documents to it in terms of the interim directions of the Court.

Thus, finding no merit in the Petition, it is dismissed.

**(J.P.Singh)**  
**Judge**

**JAMMU:**  
**31.08.2010**  
Pawan Chopra