

**THE HIGH COURT OF MEGHALAYA AT
SHILLONG**

: ORDER :

CONT. CAS (C) NO. 26 OF 2012

**M/S North Eastern India Trust for
Education and Development & Anr.**

:: Petitioners

Versus

Shri VP Baligar, IAS & Anr.

:: Respondents

Date of Order

:: 29.11.2017

PRESENT

HON'BLE SHRI JUSTICE DINESH MAHESHWARI, CHIEF JUSTICE

Shri BK Deb Roy, for the petitioner.

Shri H Kharmih GA, for the respondents.

BY THE COURT: (ORAL)

This contempt petition was filed on 17.09.2012 in the then jurisdictional of High Court, while stating non-compliance by the respondent of the order dated 27.04.2012 as passed in WP(C) No. 371 (SH) of 2011.

Perusal of the record makes out that the said order dated 27.04.2012 was challenged in the intra-court appeal, being WA No. 10 (SH) of 2012 that was dismissed on 15.06.2012. A review petition bearing No. 159 of 2013 was also dismissed on 21.02.2014.

As against the orders aforesaid, the Petitions for Special Leave to Appeal (C) No.(s) 17380-17381/2014 were filed before the Hon'ble Supreme Court wherein, notices were issued and operation of the impugned order was stayed on 19.08.2014. Taking note of the order so passed by the Hon'ble Supreme Court, the proceedings in this contempt matter were kept in abeyance in this Court by the order dated 27.01.2015 that reads as under:

"Mr. K.S. Kynjing, learned senior counsel appearing for the respondents stated that he had placed a copy of the order of the Apex Court dated 19.08.2014 passed in Special Leave to Appeal (C) No (s). 17380-17381/2014 staying the operation of the impugned judgment and order i.e. judgment and order said to have been violated by the respondents. Perused the said order of the Apex Court, list this contempt case after disposal of the said SLP by the Apex Court.

Learned counsel appearing for the parties are directed to apprise this Court the outcome of the said SLP as soon as the said SLP is disposed of by the Apex Court.”

This matter has now being taken on board on the office pointing out the order dated 12.10.2017 as passed by the Hon’ble Supreme Court in the said SLPs. The Hon’ble Supreme Court has disposed of the said SLPs with the following observations and directions:-

“Taking into account the totality of the facts of the case, the financial health of the respondent and the fact that the respondent is ready and willing to make payment of a substantial amount of money though not to the extent as claimed by the petitioner, we are of the view that the ends of justice would meet if the respondent No. 1 is to deposit a sum of Rs. 4 crores with the petitioner within a period of four months in four equal instalments. We order accordingly and dispose of the special leave petitions and all the pending applications in the above terms.

The amount of Rs. 4 crores naturally would be over and above of amount (s) that may have already been paid by the respondent to the petitioner.

On payment of the amount of Rs. 4 crores within the time limit stipulated, the petitioner undertakes to withdraw and close the 6 (six) proceedings pending against the respondent under Section 138 of the Negotiable Instrument Act before the competent Court (s).”

Obviously, the referred orders in this contempt matter now stand merged in the order passed by the Hon’ble Supreme Court. In this view of the matter, there appears no justification to continue with the proceedings in this contempt matter any further.

In view of the above, the proceedings in this contempt matter stand closed.

Notices stand discharged.

Contempt case stands disposed of accordingly.

CHIEF JUSTICE

Sylvana

Item No. 5