

M/s Savitri Pharma Vs State Of Jharkhand

Court: Jharkhand High Court

Date of Decision: Jan. 10, 2025

Hon'ble Judges: Rajesh Shankar, J

Bench: Single Bench

Advocate: Parth Jalan, Manish Kumar, Ashwini Bhushan

Final Decision: Disposed Of

Judgement

Rajesh Shankar, J

1. The present contempt case has been filed for initiating contempt proceeding against the opposite party no.2 for his wilful and deliberate violation of

the order dated 7th December, 2021 passed in W.P. (C) No.960 of 2011.

2. W.P. (C) No.960 of 2011 was disposed of with the following observations and direction:

“Considering such submissions, this Court directs that petitioner shall file a detail representation before the Chief Secretary, Government of Jharkhand, who

shall look into the matter and may place the same before the Government at the time of dissolution of NGOC, so that Government may also take a decision on these

issues, that what will be fate of these suppliers, whose due amount has not been paid, though they are not accused in Vigilance case and but their security money

has also not been released.

It is expected that the Chief Secretary, Government of Jharkhand shall act within a period of three months and will direct the concerned Secretary / Principal

Secretary, Government of Jharkhand to act in accordance with law and pass a reasoned order in further two months and copy of the same shall be communicated to

the petitioner also by the Chief Secretary, Government of Jharkhand.

3. Mr. Manish Kumar, learned Sr. S.C.-II, appearing on behalf of the opposite party no.2 refers to paragraph nos.12, 13 & 14 of the show cause

affidavit filed on behalf of the opposite party no.2, which read as under:

“12. That it is humbly stated that since NGOC is a registered society which was formed by the Cabinet, Government of Jharkhand by the order of Hon'ble

Chief Minister and same need to be dissolved legally. As per Section 13 & 14 of Society Registration Act, 1860 mention that "whenever any Government is a

member of, or a contributor to, or otherwise interested in any society registered under this act, such society shall not be dissolved without the consent of the

Government of the State or Registration". Thus NGOC dissolution requires Government's consent which also requires approval from Cabinet. Till the said

dissolution, liabilities of NGOC can't be disposed by other authority unless the resolution to dissolve the NGOC takes place. After the dissolution of NGOC, the

said society makes some authority as competent authority to dispose off the proven liabilities of NGOC but since the CBI has taken over the investigation in matter

related to NGOC SO any action taken for dissolution of NGOC will amount to interference to the order passed by this Hon'ble Court.

13. That it is humbly stated that at present Central Bureau of Investigation (CBI) is investigating the matter of NGOC. Under this circumstances this department

has taken legal opinion on "whether NGOC can be dissolve at this stage or not". Learned Advocate General has given his legal opinion that "Since CBI is

investigating the case in relation to NGOC therefore same cannot be dissolve till completion of CBI investigation".

14. That it is humbly stated that from perusal of the Hon'ble Court order in WP (C) 960/2011 dated 07.12.2021 it is evident that direction has been given that

petitioner shall file a detail representation before the Chief Secretary, Government of Jharkhand i.e opposite party no.2 and thereafter opposite party no.2 has been

directed to look into the matter and may place the same before the Government at the time of dissolution of NGOC, so that Government may also take a decision on

these issues, that what will be fate of these suppliers, whose due amount has not been paid, though they are not accused in Vigilance case and but their security

money has also not been released.

It is humbly stated that Hon'ble Writ Court has given direction to answering opposite party to place the matter at the time of dissolution of NGOC. Here it is

pertinent to mention that neither NGOC has been dissolved the stage has come for its dissolution, therefore as per order of the Writ Court no contempt lies

against the answering opposite party.

4. Having heard learned counsel for the parties and considering that the NGOC has not yet been dissolved, no case of contempt is made out against

the opposite party no.2 at this stage. The contempt proceeding as against the opposite party no.2 is hereby dropped.

5. The present contempt case is stands disposed of.

6. The petitioner is, however, at liberty to file a fresh contempt case in this regard if the aforesaid order is not complied even after dissolution of the

NGOC.