

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

SPECIAL LEAVE PETITION (CIVIL) Diary No(s). 12875/2025

[Arising out of impugned judgment and order dated 06-11-2024 in LPA No. 134/2024 passed by the High Court of Jammu & Kashmir and Ladakh at Jammu]

UNION TERRITORY OF JAMMU AND KASHMIR

Petitioner(s)

VERSUS

KUMAR NURSERY QAIMOH KULGAM & ORS.

Respondent(s)

(IA No. 131909/2025 - CONDONATION OF DELAY IN FILING, IA No. 131143/2025 - CONDONATION OF DELAY IN REILING / CURING THE DEFECTS, IA No. 131907/2025 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT AND IA No. 131905/2025 - PERMISSION TO FILE PETITION (SLP/TP/WP/..)

Date : 28-05-2025 This matter was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE SURYA KANT
HON'BLE MR. JUSTICE DIPANKAR DATTA

For Petitioner(s) : Mr. Brijendra Chachar, A.S.G.
Mr. Rushab Aggarwal, Adv.
Mr. Pashupathi Nath Razdan, AOR
Mr. Japnish Bhatia, Adv.

For Respondent(s) :

UPON hearing the counsel the Court made the following

O R D E R

1. Permission to file Special Leave Petition is granted.
2. Delay condoned.
3. Heard learned Additional Solicitor General of India for the petitioner - Union Territory of Jammu & Kashmir.
4. The petitioner is aggrieved by the judgment(s) dated 17.05.2024 of the learned Single Judge and 06.11.2024 of the Division Bench of the High Court passed in pending contempt proceedings. The High Court while deciding OWP No.666/2019

directed the authorities to consider paying such amount as are admittedly payable to the respondents-contractors within 2 months. The payment was sought for the alleged supply of plants by the respondents-contractors. As no payment was made, the respondents-contractors have initiated contempt petition, which is still pending before the learned Single Judge. A show cause notice has been issued. Instead of explaining to the learned Judge seized of the contempt that the respondents-contractors have either been paid or they are not entitled to any such payment, the petitioner opted to file intra-court appeal, which having been dismissed, it has approached this Court.

5. In our considered opinion, it is the bounden duty of the petitioner to explain to the learned Single Judge before whom contempt petition is pending that the respondents have either been paid their due amount or they are not entitled to payment for the reasons which the petitioner would disclose in its affidavit. As soon as the needful is done on behalf of the petitioner, we request the learned Single Judge to examine the stand that will be taken on behalf of the petitioner, on merits and then proceed in accordance with law.

6. As regard to the High Court's observation of roving inquiry, it is clarified that such an inquiry shall be confined to individual claims, which shall be inquired in accordance with law.

7. The Special Leave Petition stands disposed of, in the above terms.

8. Pending application(s), if any, shall stand closed.

(NITIN TALREJA)
ASTT. REGISTRAR-cum-PS

(PREETHI T.C.)
ASSISTANT REGISTRAR