

THE HON'BLE SRI JUSTICE VENKATESWARLU NIMMAGADDA

CONTEMPT CASE No.3926 of 2024

ORDER:-

1. This Contempt Case has been filed complaining the alleged willful disobedience in implementing the order dated 22.08.2024 passed by this Court in W.P.No.15804 of 2024.

2. Heard learned counsel for the petitioner, and the learned counsel appearing for the respondents and perused the material available on record.

3. The petitioner purchased a vehicle on 24.07.2023 and the petitioner is the registered owner of the vehicle bearing registration No.23 BH 3937 G (MG ASTOR). The petitioner being a private employee got registered the subject vehicle under the Central Motor Vehicles (Twentieth Amendment) Rules, 2021. In compliance of the said rules, the petitioner submitted all the required documents and got registered the subject vehicle under "BH Series" registration and paid the necessary taxes as per the rules in vogue. While so, the 5th respondent issued impugned proceedings/order dated 20.07.2024 on the ground that the petitioner not paid taxes as per the sixth schedule of APMVT Rules, 2021. The said impugned

proceedings/order is contrary to Section 6 of the Andhra Pradesh Motor Vehicle Taxation Act, 1963 and also principles of natural justice. As such, the petitioner preferred W.P.No.15804 of 2024.

4. Upon hearing both the parties, this Court passed an order in W.P.No.15804 of 2024 dated 22.08.2024 which reads as follows:

“7. Having viewed from the Analysis as stated above, the action of the 5th respondent is illegal, arbitrary and colourable exercise of power, without jurisdiction, hence liable to be set aside.

8. In view of the observations as mentioned above, the present writ petition is allowed, with the following directions:

i) the impugned proceedings issued by the 3rd respondent vide VCR No.AP031/Jul2024/118303, Dt.20.07.2024 are hereby set aside.

ii) Further, respondent Nos.2 and 3 are hereby directed to release the seized vehicle forthwith to the petitioner.

iii) It is need less to observe that the respondents are entitled to collect tax as per the provisions of APMVT Act, 1963, subject to CMV Rules, 2021 and invoke any action/ procedure as envisaged under the Act including imposing penalty, if any.

iv) Further, the petitioner is directed to submit all the required documents under which he got

*registered the subject vehicle as BH Series and cooperate for payment of tax as required and to be payable after serving of demand notice by the 2nd respondent to the petitioner.
There shall be no order as to costs.”*

5. Learned counsel for the petitioner submits that, even though this Court directed the respondents herein to release the seized vehicle forthwith to the petitioner and inspite of receiving the copy of the order of this Court, the respondents did not implement the order of this Court.

6. Learned counsel for the petitioner submits that, respondent being aware about the direction issued by this Court, obviously for reasons best known to them, did not implement the order of this Court which amounts to contempt, as defined under Section 2(b) of the Contempt of Courts Act and that the respondent is liable for punishment as per Section 12 of Contempt of Courts Act and requested to punish them in accordance with law.

7. Respondent No.1 filed counter affidavit, wherein, in Paragraph Nos.3 and 4, it is stated that, the petitioner filed a representation seeking release of vehicle. On receipt of the said representation, a

show-cause notice was issued directing the petitioner to produce the original authenticated documents for verification of residence proof of State of Arunachal Pradesh, which was submitted before the vehicle dealer at the time of BH series registration. Further the petitioner was also directed to submit explanation on which grounds the petitioner is seeking exemption of payment of tax and penalty as prescribed in Schedule VI. The petitioner without acknowledging the receipt of the notice, paid the life tax on the same day through online and filed another representation stating that the petitioner recently moved to the state of Andhra Pradesh and is currently residing at Visakhapatnam and he wants to convert vehicle registration from BH series to AP Series through necessary procedures. The petitioner also paid life tax and penalty of Rs.3,09,455/- through online and submitted BH registration certificate, proof of residence in A.P., copy of valid insurance certificate, pollution control certificate and life tax payment receipt. The petitioner himself processed the transaction through online portal and downloaded the payment receipt and release order and taken over the vehicle from the seizure yard. It is further stated that the Aadhar and Hire Purchase Agreement produced by the petitioner reveals that the petitioner is permanent

resident of Visakhapatnam and he got registered the vehicle under BH series with an intention to avoid legitimate tax due to the State of A.P., as such the petitioner did not given reply to the show-cause notice and not produced any original/certified documents for verification before the respondents. It is further stated that the petitioner approached this Court with unclean hands by producing false documents and there is no deliberate or intentional disobedience on the part of Respondent No.1. Hence, requested to close the contempt proceedings against him.

8. Respondent No.2 filed counter affidavit reiterating the contentions made by respondent No.1 in his counter-affidavit. It is further stated that, one Mr. Yuvaraj, the petitioner's representative who was driving the vehicle, caused obstruction to the checking officer in discharge of his duties and threatened him with dire consequences. By doing so, he committed an offence under the provisions of the IPC. Further, he used filthy language against the checking officer. To divert attention from the actions taken under the Motor Vehicles Act and the criminal proceedings for filing fabricated/false documents to obtain the BH series, the petitioner has filed the present contempt case against the respondents.

9. Learned counsel for the respondents submits that the petitioner paid the life tax and penalty of Rs.3,09,455/- through online. He further submits that the petitioner himself processed the transactions through online and downloaded the payment receipt and release order and taken over the vehicle from the seizure yard. As such, the respondents did not disobey the orders passed by this Court and also requested to close the contempt proceedings against the respondents.

10. Learned counsel for the petitioner submits that even though this Court specifically directed the respondents herein to release the seized vehicle forthwith to the petitioner, the respondents did not released the seized vehicle so far. Thereby the respondents violated/disobeyed the order passed by this Court and the respondents are entitled for punishment under the Contempt of Courts Act.

11. When once an order is passed, it is the duty of the authorities to implement the same without giving any interpretation and if the order is contrary to law, they are at liberty to file appropriate appeal before the appellate authority. But, without preferring an appeal, the respondent/contemnor cannot interpret the order and give different

meaning to the order passed by this Court, which is sought to be implemented, as directed by this Court. Such an act of the respondent/contemnor is illegal in view of the law declared by the Hon'ble Apex Court in **Commissioner, Karnataka Housing Board vs. C. Muddaiah**¹, wherein, it is held as follows:

31. We are of the considered opinion that once a direction is issued by a competent Court, it has to be obeyed and implemented without any reservation. If an order passed by a Court of Law is not complied with or is ignored, there will be an end of Rule of Law. If a party against whom such order is made has grievance, the only remedy available to him is to challenge the order by taking appropriate proceedings known to law. But it cannot be made ineffective by not complying with the directions on a specious plea that no such directions could have been issued by the Court. In our judgment, upholding of such argument would result in chaos and confusion and would seriously affect and impair administration of justice. The argument of the Board, therefore, has no force and must be rejected.

32. The matter can be looked at from another angle also. It is true that while granting a relief in favour of a party, the Court must consider the relevant provisions of law and

¹ (2007) 7 SCC 689

issue appropriate directions keeping in view such provisions. There may, however, be cases where on the facts and in the circumstances, the Court may issue necessary directions in the larger interest of justice keeping in view the principles of justice, equity and good conscience. Take a case, where ex facie injustice has been meted out to an employee. In spite of the fact that he is entitled to certain benefits, they had not been given to him. His representations have been illegally and unjustifiably turned down. He finally approaches a Court of Law. The Court is convinced that gross injustice has been done to him and he was wrongfully, unfairly and with oblique motive deprived of those benefits. The Court, in the circumstances, directs the Authority to extend all benefits which he would have obtained had he not been illegally deprived of them. Is it open to the Authorities in such case to urge that as he has not worked (but held to be illegally deprived), he would not be granted the benefits? Upholding of such plea would amount to allowing a party to take undue advantage of his own wrong. It would perpetrate injustice rather than doing justice to the person wronged. We are conscious and mindful that even in absence of statutory provision, normal rule is 'no work no pay'. In appropriate cases, however, a Court of Law may, nay must, take into account all the facts in their entirety and pass an appropriate order in consonance with law. The Court, in a given case, may

hold that the person was willing to work but was illegally and unlawfully not allowed to do so. The Court may in the circumstances, direct the Authority to grant him all benefits considering 'as if he had worked'. It, therefore, cannot be contended as an absolute proposition of law that no direction of payment of consequential benefits can be granted by a Court of Law and if such directions are issued by a Court, the Authority can ignore them even if they had been finally confirmed by the Apex Court of the country (as has been done in the present case). The bald contention of the appellant-Board, therefore, has no substance and must be rejected.

12. The same view is expressed by the Hon'ble Apex Court in ***Prithawi Nath Ram vs. State of Jharkhand and others***², where the Court held that, while dealing with an application for contempt, the Court is really concerned with the question whether the earlier decision which has received its finality had been complied with or not. It would not be permissible for a Court to examine the correctness of the earlier decision which had not been assailed and to take the view different than what was taken in the earlier decision. If any party concerned is aggrieved by the order which in its opinion is wrong or against rules or its implementation is neither practicable nor feasible, it should always

² (2004) 7 SCC 261

either approach to the Court that passed the order or invoke jurisdiction of the Appellate Court. Rightness or wrongness of the order cannot be urged in contempt proceedings. Right or wrong the order has to be obeyed. Flouting an order of the Court would render the party liable for contempt. While dealing with an application for contempt the Court cannot traverse beyond the order, non-compliance of which is alleged, it cannot traverse beyond the order. It cannot test correctness or otherwise of the order or give additional direction or delete any direction. That would be exercising review jurisdiction while dealing with an application for initiation of contempt proceedings. The same would be impermissible and indefensible.

13. While dealing with an application for contempt, the Court is really concerned with the question as to whether the earlier decision which has received its finality had been complied with or not. This Court is primarily concerned with the question of conduct of the party who is alleged to have committed default in complying with the directions in the judgment or order. If there is any ambiguity or indefiniteness in the order, it is for the concerned party to approach the Higher Court, if according to him/her the same is not legally tenable and such a question has necessarily to be agitated before the Higher Court.

Assuming that a question arose about impossibility of complying with the order, if that was the case, atleast the respondent could have done was to assail the correctness of the order/judgment before the Higher Court. But, the respondents failed to comply with the order of this Court. If any party concerned is aggrieved by the order which in its opinion is wrong or against rules or its implementation is neither practicable nor feasible, it should always either approach the Court that passed the order or invoke jurisdiction of the Appellate Court. As such, Rightness or wrongness of the order cannot be urged in contempt proceedings. Right or wrong the order has to be obeyed. Therefore, flouting an order of the Court would render the party liable for contempt.

14. Applying the principle laid down by the Hon'ble Supreme Court to the present facts of the case, this Court can safely conclude that respondents, *ex facie* committed Contempt of Court, as defined under Section 2(c) of the Contempt of Courts Act, 1971 and they are liable for punishment under Section 12 of the Act.

15. On perusal of the counter affidavits filed by the respondents and contentions raised by the learned counsel for the respondents, it is

observed that the respondents contend that the petitioner himself processed the online payment, downloaded the receipt and release order, and took possession of the vehicle from the seizure yard. In fact, the respondents were specifically directed to issue demand notice after having determination of payment to be payable by the petitioner towards vehicle tax and road tax. However, it is a settled legal principle that a seized vehicle cannot be removed from the seizure yard without the proper consent and authorization of the respondents or the competent authority in charge of the seizure. In the absence of such consent or authorization, the contention of the respondents that the petitioner independently took away the vehicle is not valid and sustainable. The contention of the respondents lacks credibility and does not match with the procedures to be followed for release of seized property. Hence, in the considered opinion of this Court, the respondents willfully disobeyed the orders of this Court and mislead this Court by contending that the petitioner taken over the seized vehicle from the seizure yard. Since, the respondents did not implement the order of this Court in true spirit within the time as directed and they did not even choose to tender apology for not

implementing the orders, the respondents are liable for punishment under the provisions of the Contempt of Courts Act, 1971.

16. In view of the findings recorded by this Court in the above paragraphs, Respondent No.1/Sri I.Venu Gopala Rao and Respondent No.2/Sri Saripalli Srinivas Yadav are liable for punishment as per Section 12 of the Contempt of Courts Act, 1971, and directed to pay fine of Rs.2,000/- (Rupees two thousand only), each.

17. In the result, contempt case is allowed, directing Respondent No.1/Sri I.Venu Gopala Rao and Respondent No.2/Sri Saripalli Srinivas Yadav to pay a fine of Rs.2,000/- (Rupees two thousand only), each.

18. Consequently, miscellaneous applications pending if any, shall stand closed.

JUSTICE VENKATESWARLU NIMMAGADDA

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Date: 29.10.2025

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19. After dictating the above order, learned counsel for Respondent Nos.1 & 2/Contemnors requested this Court to suspend the above order, so as to enable them to prefer an appeal.

20. At request of the learned counsel for Respondent Nos.1 & 2/Contemnors, the above order is suspended for a period of four (04) weeks to prefer an appeal. In case no appeal is preferred or no stay is granted by the Appellate Court in the appeal if any preferred, Respondent Nos.1 & 2/Contemnors shall surrender before Registrar (Judicial), High Court of Andhra Pradesh on 26.11.2025 before 05.00 p.m to undergo sentence.

JUSTICE VENKATESWARLU NIMMAGADDA

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Date: 29.10.2025

THE HON'BLE SRI JUSTICE VENKATESWARLU NIMMAGADDA

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