

Supreme Court of India

M/S. Packraft (India) Pvt.Ltd. ... vs U.P.F.C. Through Its M.D.R.M. ... on 13 November, 1995

Equivalent citations: 1996 SCC (1) 304, JT 1995 (8) 405

Author: K Ramaswamy

Bench: Ramaswamy, K.

PETITIONER:

M/S. PACKRAFT (INDIA) PVT.LTD. THROUGH ITS DIRECTOR V.S. MANN

Vs.

RESPONDENT:

U.P.F.C. THROUGH ITS M.D.R.M. SETHI & ORS.

DATE OF JUDGMENT 13/11/1995

BENCH:

RAMASWAMY, K.

BENCH:

RAMASWAMY, K.

HANSARIA B.L. (J)

CITATION:

1996 SCC (1) 304                      JT 1995 (8)      405

1995 SCALE (6) 486

ACT:

HEADNOTE:

JUDGMENT:

**O R D E R** This Court in Mahesh Chandra v. UPFC, [(1993) 2 SCC 279] has laid down the law as to how the properties of a defaulter are to be brought to sale by financial corporations. The petitioner contends that in spite of specific guidelines laid down therein, the property of the petitioner had not been sold consistent with those guidelines. Therefore, it amounts to wilful disobedience of the law laid down by this Court. Thereby, the respondents rendered themselves liable for conviction for contempt of this Court. We are afraid that we cannot accede to the contention.

The law laid down by this Court in Mahesh Chandra's case (supra) is the law under Article 141. It is needless to say that everyone is bound by the law, But, if there is any infraction of the action in violation of the law laid down by this Court, appropriate remedy is to have it corrected by a judicial review but not by way of contempt proceedings in this Court.

Under these circumstances, we cannot accede to the request made by the petitioner to issue notice to them and to convict the respondents for contempt. However, it would be open to the petitioner to seek appropriate remedy according to law.

The contempt petition is accordingly dismissed.