

IN THE SUPREME COURT OF INDIA
INHERENT JURISDICTION
CONTEMPT PETITION [C] NO. 845 OF 2021

IN

WRIT PETITION (CIVIL) NO.188 OF 2004

IN THE MATTER OF

B.M. BEDI MEMBER, COMMITTEE – GFIL (APPOINTED BY THE HON'BLE SUPREME COURT)	... CONTEMPT PETITIONER
Versus	
SHRI RAMJI SHARAN SHARMA ADDITIONAL COLLECTOR (E), DEHRADUN	... ALLEGED CONTEMNOR

CONTEMPT PETITION ON BEHALF OF THE COMMITTEE-
GFIL (APPOINTED BY THE HON'BLE SUPREME COURT)

PAPER BOOK

(FOR INDEX: KINDLY SEE INDEX)



Mr Soumya Dutta

ADVOCATE ON RECORD FOR PETITIONER/RESPONDENT
NO.1:

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Filed On: _____



(Mr Soumya Dutta)

AOR 2537

New Delhi

Advocate of the Committee.

IN THE SUPREME COURT OF INDIA
INHERENT JURISDICTION
CONTEMPT PETITION [C] NO. _____ OF 2021
IN
WRIT PETITION (CIVIL) NO.188 OF 2004

In The Matter of

B. M. Bedi Member of the Committee – GFIL appointed by this Hon. Court r/o H.No. 22, Sector 4, Panchkula, Haryana	...Contempt Petitioner
<i>Versus</i>	
Shri Ramji Sharan Sharma Additional Collector [E] Dehradun r/o H.No. 2, PCS Colony, Ringh Road, Ladpur, Dehradun, Uttarakhand	...Alleged Contemnor

In The Matter of

M/s Raiganj Consumer Forum	...Petitioner
<i>Versus</i>	
Union of India and Ors	...Respondent

CONTEMPT PETITION U/S 12 & 14 OF THE CONTEMPT OF
COURT ACT TO THE ORDER DATED 14.01.2020 IN W.P.
(CIVIL) NO.188 OF 2004

TO:

HON'BLE THE CHIEF JUSTICE OF INDIA AND HIS
COMPANION JUSTICES OF THE HON'BLE SUPREME
COURT OF INDIA

HUMBLE PETITION OF THE
PETITIONER ABOVENAMED:

MOST RESPECTFULLY SHOWETH THAT:-

1. The present Contempt Petition is being filed in view of deliberate, willful and intentional disobedience of the orders of the Hon'ble Supreme Court.
2. The Hon'ble Supreme Court vide its order dated 17.8.2004 passed in the matter of T.C. (c) No. 2 of 2004 barred other courts to entertain any claim filed against M/s Golden Forests (India) Limited. The relevant portion of the order dated 17.8.2004 is reproduced as under:

"By Order dated 12th September, 2003 we directed that no other Court except this Court shall entertain any winding up proceedings relating to the Respondent-

Company. We now direct that no other Court or Forum or Tribunal will entertain any claim or application by depositors/investors for return of monies or payment of interest as these aspects will be dealt with by this Court after realization of all the assets. If any such claim is filed by any party before any Court or Tribunal the same shall stand stayed. We clarify that criminal cases are not covered by this Order and can proceed."

During the course of hearing, this order was also brought to the knowledge of Revenue Court. Copy of the order dated 17.8.2004 is annexed as **ANNEXURE A-1** (Pages __ to __).

3. Vide order dated 15.10.2008, the Hon'ble Supreme Court in the matter of T.C. (c) No. 2 of 2004 directed that if there is any third party claim over any of the property of Golden forest group that shall be considered by this Committee and pass appropriate order. The relevant portion of order is reproduced as under:

"In order to facilitate the disbursement due to the investors, the money has to be collected by selling these properties. The Committee is authorized to take possession of all the properties owned by the respondents. If there are any valid claims in respect of any of these properties by third parties, the Committee may consider the same and pass appropriate orders, subject to confirmation by this Court"

Copy of order dated 15.10.2008 is annexed as **ANNEXURE A-2** (Pages __ to __).

4. M/s Golden Forests (India) Limited and associates/subsidiary companies purchased a large chunk of lands in the State of Uttarakhand during 1995-1998.
5. The State of Uttarakhand initiated proceedings u/s 166-167 of UP Zamindari Abolition & Land Reforms Act, 1950 against the companies in the year 1997 and are still pending before Additional Collector (Finance and Revenue) and Additional Collector

(Establishment) Dehradun in the capacity of Additional Collectors.

6. There are seven main cases no. 30, 33, 34, 35, 36, 37 & 39 of 1996-97 which were remanded the District Magistrate Dehradun and new number assigned to them are 1 to 6 & 9 of 2014-15 are pending before the Revenue Court of Additional Collector (Finance and Revenue). The Revenue court is adjudicating the extent of violation of agricultural land holdings by the company M/s Golden Forest (India) Limited under the provisions of Section 154 (1) & Section 166 & 167 of UP Zamindari Abolition & Land Reforms Act, 1950.

The Section 154 (1) reads as under:

"154. Restriction on transfer by a bhumidhar. - (1) Save as provided in subsection (2), no bhumidhar shall have the right to transfer by sale or gift, any land other than tea garden to any person where the transferee shall, as a result of such sale or gift, become entitled to land which together with land, if any, held by his

family will in the aggregate, exceed 5.0586 hectares (12.50 acres) in Uttar Pradesh.

Explanation. - For the removal of doubt it is hereby declared that in this sub-section the expression "person" shall include and be deemed to have included on June 15, 1976 a "Co-operative Society" :

Provided that where the transferee is a Co-operative Society, the land held by it having been pooled by its members under Clause (a) of sub-section (1) of Section 77 of the Uttar Pradesh Co-operative Societies Act, 1965 shall not be taken into account in computing the 5.0586 hectares (12.50 acres) land held by it."

The Section 166 & 167 reads as under:

"166. Every transfer made in contravention of the provisions of this Act, shall be void.

167. (1) The following consequences shall ensue in respect of every transfer

which is void by virtue of Section
166, namely-

(a) the subject-matter of transfer shall with effect from the date of transfer, be deemed to have vested in the State Government free from all encumbrances;

(b) the trees, crops and wells existing on the land on the date of transfer shall, with effect from the said date, be deemed to have vested in the State Government free from all encumbrances; and

(c) the transferee may remove other moveable property or the materials of any immovable property existing on such land on the date of transfer within

such time as may be prescribed.

(2) Where any land or other property has vested in the State Government under sub-section (1), it shall be lawful for the Collector to take over possession over such land or other property and to direct that any person occupying such land or property be evicted there from. For the purposes of taking over such possession or evicting such unauthorised occupants, the Collector may use or cause to be used such force as may be necessary."

Copy of relevant portion of Sections of UP Zamindari Abolition & Land Reforms Act, 1950 is annexed as ANNEXURE A-3 (Pages __ to __).

7. On 21.8.1997 Assistant Collector Dehradun passed orders declaring the lands of Golden Forests India

Limited were as surplus u/s 154(1) of UPZA & LR Act, 1950, in all the seven cases no. 30, 33, 34, 35, 36, 37 & 39 of 1996-97.

8. Aggrieved by the order dated 21.8.1997 passed in one of the main seven cases no. 37 of 1996-97, Nityanand Joshi filed objection that his land comprised in khasra no. 434(old 431) measuring 0.0770 hectare out of 0.1940 hectare land be excluded from the holding of Golden Forest India Limited as the same is owned by him. The Committee was given notice in one such case no. 13/2018-19, Shri Nityanand Joshi Vs State of Uttarakhand in which the third party is claiming rights in Golden Forest property.

The Committee filed its preliminary objections dated 14.11.2019 before Shri Ramji Sharan Sharma who was Additional Collector (E), Dehradun and argued that the matter can only be heard by this Committee under the orders of the Hon'ble Supreme Court dated 15.10.2008 and that he has no jurisdiction to decide third party claim and/or ownership title of the land.

Copy of Preliminary objection is annexed as **ANNEXURE A-4** (Pages __ to __).

There are about 140 similar matters in which third parties are claiming rights over the lands of Golden forests group companies. These matters are pending before Additional Collector (E), Dehradun.

9. Since the main cases no. 30, 33, 34, 35, 36, 37 & 39 of 1996-97 (New case no. 1 to 6 & 9 of 2014-15) are pending for a very long time and there are about 15 lacs investors waiting for their money who shall also be affected by the outcome these matters. Therefore Committee approached the Hon'ble Supreme Court and filed I.A. No. 145178 of 2019 and requested the Hon'ble Court to decide the surplus matter of lands located in State of Uttarakhand.

The Hon'ble Supreme Court was pleased to issue notice to State of Uttarakhand in the matter of I.A. No. 145178 of 2019 and State of Uttarakhand also filed its reply. The Hon'ble Supreme Court further directed the parties to file proposed issues.

10. Since the matters are pending before Uttarakhand Authorities also, therefore during the course of

hearing on 14.1.2020, Committee requested the Hon'ble Supreme Court to pass an appropriate order to bar Uttarakhand Authorities to pass final order in the surplus land matters. To take care the grievances raised by the counsel of the Committee, statement of learned counsel appearing for State of Uttarakhand was recorded vide which he assured the Hon'ble Court that no final orders are going to be passed without the permission of this court. The relevant paragraph of order dated 14.1.2020 reads as under:

"It was stated by the learned counsel appearing for the State of Uttarakhand that the Uttarakhand Authorities are proceeding to take up the matter of Urban Land Ceiling Act, it is assured on behalf of the learned counsel that no final orders are going to be passed without the permission of this Court.

Statement of the learned counsel is placed on record. This is sufficient to take care of the grievance raised by Ms. Suruchii

Aggarwal, learned counsel appearing on behalf of the Committee.

With respect to surplus land, counter affidavit has been filed. Let rejoinder to that, if any, be filed by the Committee within three weeks."

Copy of the order dated 14.1.2020 is annexed as **ANNEXURE A-5** (Pages __ to __).

11. After hearing the parties Shri Ramji Sharan Sharma passed order on 24.2.2020 and decided title of the land in question while allowing the claim of claimant Shri Nityanand Joshi. Copy of this order was not provided to the Committee officially as there is no such practice of the same. Just after passing that order nationwide lock down was imposed due to Covid-19 pandemic. When the courts resumed functioning and entry norms of Uttarakhand State were relaxed, the Committee came to know about passing of this order and immediately applied for copy of order dated 26.2.2020 on 16.1.2021. The Committee received copy on 27.1.2021. English

translation of order dated 26.2.2020 is annexed as **ANNEXURE A-6** (Pages __ to __)..

The State of Uttarakhand has filed revision before Revenue Board Uttarakhand against the said order of 26.2.2020. The Committee has received notice of appearance in that matter which is now fixed for 12.3.2021.

12. Shri Ramji Sharan Sharma has violated not one but three court orders. One order dated 14.1.2020 passed in this matter of W.P.(C) 188 of 2004 and two orders dated 17.8.2004 & 15.10.2008 passed in the matter of T.C. (C) No. of 2 of 2004.
13. Not only this, Shri Ramji Sharan Sharma has decided title of the property which is an exclusive jurisdiction of Civil courts and not of Revenue Court. Therefore, he has exercised the jurisdiction beyond his powers.
14. The Committee is filing a separate contempt petition for contempt of court orders dated 17.8.2004 & 15.10.2008 in T.C.(c) No. 2 of 2004 along with this Petition.

15. The above failure to comply with the orders of the Supreme Court dated 14.1.2020 has inter alia the following consequences:-

- i. The very task assigned to the Committee to pass orders on third party claims in view of avoiding overriding effect of passing contradictory orders by different courts shall get frustrated.
- ii. The proceeding before this Hon'ble Court in the matter of I.A. No. 145178 of 2019 is getting frustrated.
- iii. The land belonging to M/s Golden Forests (India) Limited has been released and thereby total land holding reduced which is subject matter of I.A No. 145178 of 2019 before this Hon'ble Court.

16. That having deliberately and intentionally violated the order of this Hon'ble Court, the Contemnor is liable to be punished as per law.

17. It is therefore, prayed that stringent action as per law be initiated against the alleged contemnor.

18. Save and except the present petition the petitioner has not filed any other contempt petition before this Hon. Court.

PRAYER

19. In the premises it is respectfully prayed that this Hon'ble Court may be pleased to:

- a. Initiate contempt proceedings against the alleged contemnor for deliberately and intentionally violating the order dated 14.01.2020 passed by this Hon'ble Court and he be punished as per law;
- b. Pass such other order(s) as this Hon'ble Court deems fit and proper under the circumstances of the case in favour of petitioner.



Filed On: _____

New Delhi

(Mr Soumya Dutta)

Advocate of the Committee.

Petitioner/Respondent No. 1

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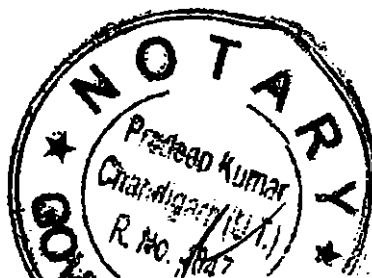
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AFFIDAVIT

AFFIDAVIT OF SHRI B.M. BEDI AGE 71 YEARS,
DISTRICT AND SESSIONS JUDGE (RETD.) R/O H.
NO. 22, SECTOR 4, PANCHKULA, ONE OF THE
MEMBERS OF THE COMMITTEE APPOINTED BY
THIS HON'BLE COURT IN THE AFOREMENTIONED
MATTER:

B.M. Bedi



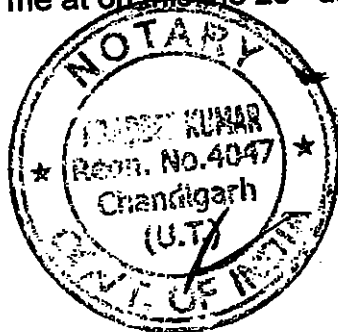
1. That I am one of the members of the Committee appointed by the Hon'ble Supreme Court. I am duly authorised and being fully competent and fully conversant with the facts and circumstances of the case, I am competent to swear this affidavit.
2. That I have read the contents of accompanying contempt petition which has been prepared under my instructions.
3. That the contents of the accompanying contempt petition are true and correct to the best of my knowledge and are derived from record of the case. Annexure are true copy of its original.



DEPONENT

VERIFICATION:-

I, the deponent above named, do hereby verify and state that the contents of paragraph 1 to 3 of the affidavit are true to my knowledge based on records of the case, no part of it is false and nothing material has been concealed there from.

Verified by me at on this the 28th day of July, 2021.



ATTESTED



DEPONENT

