

THE HIGH COURT OF SIKKIM : GANGTOK

(Civil Jurisdiction)

Dated : 26th June, 2024

SINGLE BENCH : THE HON'BLE MRS. JUSTICE MEENAKSHI MADAN RAI, JUDGE

Cont.Cas(C) No.02 of 2024

Petitioner : Tenzing Kelsang Kalden

versus

Respondents : State of Sikkim and Others

Application under Sections 11 and 12 of the Contempt of Courts Act, 1971 read with Article 215 of the Constitution of India

Appearance

Ms. Gita Bista, Advocate with Ms. Pratikcha Gurung, Advocate for the Petitioner.

Mr. Zangpo Sherpa, Additional Advocate General with Mr. Sujan Sunwar, Assistant Government Advocate for the Respondents No.1 and 2.

Respondent No.2 present in person.

Mr. Karma Thinlay, Senior Advocate with Mr. Yashir N. Tamang, Advocate for the Respondents No.3 and 4.

JUDGMENT (ORAL)

Meenakshi Madan Rai, J.

1. In compliance to the order of this Court dated 10-06-2024, Affidavit dated 21-06-2024 has been filed by the Respondent No.3.

2. Learned Senior Counsel for the Respondents No.3 and 4 submits that, Respondent No.4 (daughter of Respondent No.3) has transferred 1/5th of the total sum, i.e., ₹ 1,03,12,249.40/- (Rupees one crore, three lakhs, twelve thousand, two hundred, forty nine and paise forty) only, to the Respondent No.2 (the District Collector), vide Cheque No.000001, of the HDFC Bank, dated 21-06-2024, from the total amount of ₹ 5,15,61,247/- (Rupees one crore, fifteen lakhs, sixty one thousand, two hundred

and forty seven) only, received by them. It is also clarified that the payment is made in response to the Contempt Petition.

3. Report Affidavit, dated 25-06-2024, has been filed by the State-Respondent No.2. It is averred therein that the District Collector, Gyalshing District, had received the Cheque No.000001 of the HDFC Bank, dated 21-06-2024, for a sum of ₹ 1,03,12,249.40/- (Rupees one crore, three lakhs, twelve thousand, two hundred, forty nine and paise forty) only, on 21-06-2024, from the Respondent No.4. The same amount has been made over to the Petitioner on 25-06-2024, vide Cheque No.260310, of the State Bank of Sikkim, dated 24-06-2024.

4. Learned Counsel for the Petitioner acknowledges the receipt of ₹ 1,03,12,249.40/- (Rupees one crore, three lakhs, twelve thousand, two hundred, forty nine and paise forty) only, from the Respondent No.2, vide Cheque no. 260310, of the State Bank of Sikkim, dated 24-06-2024.

5. As already recorded hereinabove, the amount vide the Cheque has been received and duly acknowledged by the Petitioner.

6. Consequently, nothing further remains for adjudication in the matter.

7. Contempt Petition stands disposed of accordingly.

8. Pending applications, if any, also stand disposed of.

(Meenakshi Madan Rai)

Judge

26-06-2024