

*** THE HONOURABLE SRI JUSTICE RAVI NATH TILHARI**
*** THE HONOURABLE SRI JUSTICE SUBHENDU SAMANTA**

CONTEMPT CASE NO: 3541/2024

% 23.06.2026

S. Janardhana

.....petitioner

And:

\$ Shri Anil Kumar Singhal & 2 others

.... respondents

!Counsel for the petitioner : Sri P.Raghavender Reddy

^Counsel for the respondents :

<Gist:

>Head Note:

? Cases referred:

1. (2024) 20 SCC 188
2. 2026 SCC OnLine SC 659

HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

* * * *

CONTEMPT CASE NO: 3541/2024

Between:

S. Janardhana

..... PETITIONER

AND

Shri Anil Kumar Singhal & 2 others

....RESPONDENTS

DATE OF JUDGMENT RESERVED :

DATE OF JUDGMENT PRONOUNCED : 23.06.2026

DATE OF JUDGMENT UPLOADED : 30.06.2026

SUBMITTED FOR APPROVAL:

THE HON'BLE SRI JUSTICE RAVI NATH TILHARI

&

THE HONOURABLE SRI JUSTICE SUBHENDU SAMANTA

- | | |
|-------------------------------------------------------------------------------|--------|
| 1. Whether Reporters of Local newspapers may be allowed to see the Judgments? | Yes/No |
| 2. Whether the copies of judgment may be marked to Law Reporters/Journals | Yes/No |
| 3. Whether Your Lordships wish to see the fair copy of the Judgment? | Yes/No |

RAVI NATH TILHARI,J

SUBHENDU SAMANTA,J

THE HONOURABLE SRI JUSTICE RAVI NATH TILHARI
THE HONOURABLE SRI JUSTICE SUBHENDU SAMANTA
CONTEMPT CASE NO: 3541/2024

ORDER: *(per Ravi Nath Tilhari, J)*

Heard Sri P.Raghavender Reddy, learned counsel for the petitioner appearing through virtual mode.

2. This Contempt petition has been filed alleging the willful disobedience of the judgment and the order dated 22.07.2022 passed by a Co-ordinate Bench in W.P.No.21758 of 2022. The writ petition was filed by the present petitioner.

The petition was disposed of in the following terms:

“For the aforesaid reasons, the Writ Petition is disposed of, directing the respondents herein to implement the order dated 25.09.2018, passed by the Tribunal in O.A.No.2044 of 2018, as expeditiously as possible, preferably within a period of three (3) months from the date of receipt of a copy of this order. There shall be no order as to costs.”

3. As per the direction, the respondents were directed to implement the order of the Tribunal dated 25.09.2018 passed in OA.No.2044 of 2018 as expeditiously as possible preferably within a period of three months from the date of receipt of a copy of that order.

4. On a specific query made by this Court as to when the three months period expired, learned counsel for the petitioner submitted that the period expired long back. He does not dispute that the contempt petition is not within the period of limitation of one year as prescribed under Section 20 of the Contempt of Courts Act, 1971 (in short ‘the Act’), which reads as under:

“20. Limitation for actions for contempt.—No court shall initiate any proceedings of contempt, either on its own motion or otherwise, after the expiry of a period of one year from the date on which the contempt is alleged to have been committed.”

5. In ***S.Tirupathi Rao v. M.Lingamaiah***¹, the Hon'ble Apex Court held that even in case of a petition disclosing facts constituting contempt, which is civil in nature, the petitioner cannot choose a time convenient to him to approach the Court. The statute refers to a specific time-limit of one year from the date of alleged contempt for proceedings to be initiated; meaning thereby, that the action should be brought within a year, and not beyond, irrespective of when the proceedings to punish for contempt were actually initiated by the High Court. The Hon'ble Apex Court held that a prayer for condonation of delay in presenting the petition/application alleging contempt would not be maintainable. However, it was further held that since Section 20 also uses the expression "date on which the contempt is alleged to be committed" as the starting point of the period of one year to be counted for reckoning whether the petition/application has been presented within the stipulated period, the High Courts ought to be wary of crafty and skilful drafting of petitions/applications to overcome the delay in presentation thereof. The Hon'ble Apex Court held that the Contempt of Courts Act, which is a special law on the subject of contempt, does not expressly or by necessary implication exclude the applicability of Sections 4 to 24 of the 1963 Act and in an appropriate case, it would be open to the party who has not petitioned the court within the period of one year, as stipulated in Section 20 of the Act, to seek exemption from the law of limitation in line with the principle flowing from Order 7 Rule 6 CPC., by showing the ground upon which such exemption is

¹ (2024) 20 SCC 188

claimed. The Hon'ble Apex Court however further held that at the same time, it must be remembered that the court cannot grant exemption from limitation on equitable consideration or on the ground of hardship. The contempt proceedings being in the nature of original proceedings, akin to a suit, application of Section 5 of the 1963 Act to seek condonation of delay is excluded.

6. It is apt to refer para Nos.78 to 80 of ***S.Tirupathi Rao*** (supra) as under:

“78. Reverting to the point of limitation, even in case of a petition disclosing facts constituting contempt, which is civil in nature, the petitioner cannot choose a time convenient to him to approach the Court. The statute refers to a specific time-limit of one year from the date of alleged contempt for proceedings to be initiated; meaning thereby, as laid down in *Pallav Sheth [Pallav Sheth v. Custodian, (2001) 7 SCC 549 : (2001) 107 Comp Cas 76]* , that the action should be brought within a year, and not beyond, irrespective of when the proceedings to punish for contempt are actually initiated by the High Court.

79. An action for contempt — though instituted through a petition or an application — is essentially in the nature of original proceedings, as held by this Court in *High Court of Allahabad v. Raj Kishore Yadav [High Court of Allahabad v. Raj Kishore Yadav, (1997) 3 SCC 11]* ; a fortiori, a prayer for condonation of delay in presenting the petition/application alleging contempt would not be maintainable. The express negative phraseology used in Section 20 of the Act, as a legislative injunction, places a fetter on the court's power to initiate proceedings for contempt unless the petition/application is presented within the time-frame stipulated therein. However, since Section 20 also uses the expression “date on which the contempt is alleged to be committed” as the starting point of the period of one year to be counted for reckoning whether the petition/application has been presented within the stipulated period, the High Courts ought to be wary of crafty and skilful drafting of petitions/applications to overcome the delay in presentation thereof.

80. The Act, which is a special law on the subject of contempt, does not expressly or by necessary implication exclude the applicability of Sections 4 to 24 of the 1963 Act. This Court in *State of W.B. v. Kartick Chandra Das [State of W.B. v. Kartick Chandra Das, (1996) 5 SCC 342]* has held that in terms of Section 29(2) of the 1963 Act, provisions contained in Section 5 of the 1963 Act can be called in aid by a party who seeks condonation of delay in presentation of an appeal under Section 19(1) of the Act. Similarly, in exceptional cases, provisions like Sections 12, 14, 17, 22, etc. of the 1963 Act could be invoked to seek exemption from the law of limitation, which is distinct from condonation of delay. In an appropriate case, it would be open to the party who has not petitioned the court within the period of one year, as stipulated in Section 20 of the Act, to seek exemption from the law of limitation in line with the principle flowing from Order 7 Rule 6CPC [**“6. Grounds of exemption from limitation law.—**Where the suit is instituted after the expiration of the period prescribed by the law of limitation, the plaintiff shall show the ground upon which exemption

from such law is claimed: Provided that the Court may permit the plaintiff to claim exemption from the law of limitation on any ground not set out in the plaint, if such ground is not inconsistent with the grounds set out in the plaint.”] , by showing the ground upon which such exemption is claimed. We have no hesitation to hold that in a case where a civil contempt is alleged by a party by referring to a “continuing wrong/breach/offence” and such allegation prima facie satisfies the court, the action for contempt is not liable to be nipped in the bud merely on the ground of it being presented beyond the period of one year as in Section 20 of the Act. Applicability of the principle underlying Order 7 Rule 6CPC for granting exemption would only be just and proper having regard to the object and purpose for which the jurisdiction to punish for contempt is exercised by the courts if, of course, the court is satisfied that benefit of such an exemption ought to be extended in a given case. At the same time, it must be remembered that the court cannot grant exemption from limitation on equitable consideration or on the ground of hardship. Inspiration in this regard may be drawn from the decision of the Privy Council in *Maqbul Ahmad v. Onkar Pratap Narain Singh* [*Maqbul Ahmad v. Onkar Pratap Narain Singh*, 1935 SCC OnLine PC 5 : AIR 1935 PC 85] . However, as observed earlier, contempt proceedings being in the nature of original proceedings, akin to a suit, application of Section 5 of the 1963 Act to seek condonation of delay is excluded.”

7. Recently in ***Secretary, Government of Tamilnadu v. S.Raja***², the Hon’ble Apex Court held, referring to the law laid down in ***Pallav Sheth v. Custodian*** {(2001) 7 SCC 549} that the limitation for initiation of contempt proceedings would ordinarily be one year from the date of commission of the contempt and declined to entertain the contempt petition and to condone the delay. Para-28 in ***Secretary*** (supra) reads as under:

“28. Contempt Petition (Diary) No. 5891 of 2026 was filed by fourteen persons on the anvil of transactions allegedly made in violation of the *status quo* order dated 21.10.2019 passed by this Court. The transactions cited by them are of the years 2019, 2020, 2021 and 2022 but the contempt case was filed only on 29.01.2026. Surprisingly, the Office Report dated 07.04.2026 states that the contempt petition was filed with only a delay of 251 days. On facts, we do not find it to be so. In terms of the law laid down by this Court in *Pallav Sheth v. Custodian* {(2001) 7 SCC 549}, the limitation for initiation of contempt proceedings would ordinarily be one year from the date of commission of the contempt. As the delay in this case is clearly beyond one year, we are not inclined to condone the delay and entertain this contempt petition. The contempt petition is, accordingly, dismissed on the ground of delay.”

² 2026 SCC OnLine SC 659

8. Learned counsel for the petitioner however submits that the cause of action is continuous and so, the period of limitation of one year would not apply.

9. With respect to the plea of “continuous wrong/breach/offence” to be accepted as a ground for seeking exemption in an action for contempt in **S.Tirupathi Rao** (supra), the Hon’ble Apex Court held that the party petitioning the court not only has to comprehend what the phrase actually means but would also be required to show, from his pleadings, the ground resting whereon he seeks exemption from limitation. Should the party fail to satisfy the court, the petition is liable to outright rejection. Also, the court has to be vigilant. Stale claims of contempt, camouflaged as a “continuing wrong/breach/offence” ought not to be entertained, having regard to the legislative intent for introducing Section 20 in the Act which has been noticed above. Contempt being a personal action directed against a particular person alleged to be in contempt, much of the efficacy of the proceedings would be lost by passage of time. Even if a contempt is committed and within the stipulated period of one year from such commission no action is brought before the court on the specious ground that the contempt has been continuing, no party should be encouraged to wait indefinitely to choose his own time to approach the court. If the bogey of “continuing wrong/breach/offence” is mechanically accepted whenever it is advanced as a ground for claiming exemption, an applicant may knock the doors of the Court any time suiting his convenience. If an action for contempt is brought

belatedly, say any time after the initial period of limitation and years after the date of first breach, it is the prestige of the court that would seem to become a casualty during the period the breach continues. Once the dignity of the court is lowered in the eyes of the public by non-compliance of its order, it would be farcical to suddenly initiate proceedings after long lapse of time. Not only would the delay militate against the legislative intent of inserting Section 20 in the Act rendering the section a dead letter, the damage caused to the majesty of the court could be rendered irreparable.

10. Para No.81 of **S.Tirupathi Rao** (supra) reads as under:

“81. A caveat needs to be added here. For a “continuing wrong/breach/offence” to be accepted as a ground for seeking exemption in an action for contempt, the party petitioning the court not only has to comprehend what the phrase actually means but would also be required to show, from his pleadings, the ground resting whereon he seeks exemption from limitation. Should the party fail to satisfy the court, the petition is liable to outright rejection. Also, the court has to be vigilant. Stale claims of contempt, camouflaged as a “continuing wrong/breach/offence” ought not to be entertained, having regard to the legislative intent for introducing Section 20 in the Act which has been noticed above. Contempt being a personal action directed against a particular person alleged to be in contempt, much of the efficacy of the proceedings would be lost by passage of time. Even if a contempt is committed and within the stipulated period of one year from such commission no action is brought before the court on the specious ground that the contempt has been continuing, no party should be encouraged to wait indefinitely to choose his own time to approach the court. If the bogey of “continuing wrong/breach/offence” is mechanically accepted whenever it is advanced as a ground for claiming exemption, an applicant may knock the doors of the Court any time suiting his convenience. If an action for contempt is brought belatedly, say any time after the initial period of limitation and years after the date of first breach, it is the prestige of the court that would seem to become a casualty during the period the breach continues. Once the dignity of the court is lowered in the eyes of the public by non-compliance of its order, it would be farcical to suddenly initiate proceedings after long lapse of time. Not only would the delay militate against the legislative intent of inserting Section 20 in the Act (a provision not found in the predecessor statutes of the Act) rendering the section a dead letter, the damage caused to the majesty of the court could be rendered irreparable. It is, therefore, the essence of justice that in a case of proved civil contempt, the contemnor is suitably dealt with, including imposition of punishment, and direction as well is issued to bridge the breach.”

11. We are not convinced with the submission that the cause of action is continuous. There is a specific direction to comply within a specified period. If the order was not complied within that period, the contempt petition should have been filed within a period of limitation as prescribed under Section 20 of the Act from the date of expiry of the period as specified in the order of the writ Court.

12. In the present contempt petition after mentioning the facts, the petitioner has not stated that there is a continuous cause of action. There is also nothing on record in the pleadings to show the ground where on the petitioner might be seeking exemption from limitation.

13. Another submission was made that the order of the Tribunal dated 25.09.2018 in O.A.No.2044 of 2018 was challenged subsequently by Tirupati Municipal Corporation, Tirupati District in W.P.No.3322 of 2024 and the same was dismissed on 08.02.2024. The order of this Court in W.P.No.21758 of 2022 was passed on 22.07.2022 granting three months time for compliance. Challenge to the order of the Tribunal in OA.No.2044 of 2018 dated 25.09.2018 vide W.P.No.3322 of 2024 would not enure to the benefit of the contempt petitioner for at least two reasons. Firstly, the direction to implement the order of the Tribunal was passed on 22.07.2022 in W.P.No.21758 of 2022, so, the period of limitation will have to be counted in terms of that order dated 22.07.2022 which expired long back. It is well settled that the period of limitation once starts running it would run its full course. Secondly, there is

nothing on record to show that the order passed by the Writ Court dated 22.07.2022, was ever stayed or kept abeyance in any proceedings.

14. The Contempt petition is dismissed as barred by limitation.

No order as to costs.

As a sequel thereto, miscellaneous petitions, if any pending, shall also stand closed.

RAVI NATH TILHARI,J

SUBHENDU SAMANTA,J

Dated:23.06.2026

Note: L.R. copy be marked

B/o.

AG

Whether the Order is:

Speaking		Reasoned	✓
Reportable	✓	Non-reportable	

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THE HONOURABLE SRI JUSTICE RAVI NATH TILHARI
THE HONOURABLE SRI JUSTICE SUBHENDU SAMANTA

CONTEMPT CASE NO: 3541/2024

Dated:23.06.2026
AG