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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

Date of Decision: 28th September, 2026

Uploaded on: 29th September, 2026

CNR No. DLHC011107512025

+ **CONT.APP.(C) 23/2026 & CM APPL. 67137/2026, CM APPL. 67138/2026, CM APPL. 67139/2026, CM APPL.67140/2026, CM APPL. 67141/2026**

I. K. SAINI

.....Appellant

Through: Appellant in person.
versus

K. N. JHA ORS

.....Respondents

Through: Ms. Avni Singh (Panel Counsel for
GNCTD) along with Ms. Harshita Raj
(Adv)

CORAM:

JUSTICE PRATHIBA M. SINGH

JUSTICE DINESH BHATT

Prathiba M. Singh, J. (Oral)

1. This hearing has been done through hybrid mode.
2. The present appeal has been filed by the Appellant under Section 19(1) of the Contempt of Courts Act, 1971, *inter alia*, assailing the impugned orders dated 19th May, 2022, 26th July, 2023, 1st April, 2024, and 7th February, 2025 in **CONT.CAS(C) 37/2019**.
3. The prayer of the Appellant in the present petition is that a ration card was issued by the Food and Supplies Department in favour of one Mrs. Premshila and her son – Mr. Achal Kumar, by indulging in certain forgery.
4. According to the Appellant, the said beneficiaries are having certain disputes with the Appellant, where they are stated to be relying on the said



ration card and claiming rights therefrom.

5. The Appellant had approached the Public Grievances Commission, which had passed an order on 20th February, 2009, where the case was closed with the following observations:

“This case was transferred as a grievance case after hearing of appeal before Chairman, PGC.

The complainant had sought an enquiry regarding issue of ration card to Mrs. Prem Shella Saini on the address H.No. A-70, NDSE-II, New Delhi on 29.6.01 by FSO Circle 9. It was alleged that Mrs. Saini had got issued ration card fraudulently on the above address by showing herself as wife of Shri. R.K. Saini, son of Somnath Saini, owner of House No. A-70, NDSE-II, New Delhi. She had produced NOC from Somnath Saini, the owner in the year of whereas Shri Saini had expired in 1984. The complainant further alleged that Mrs. Prem Shila Saini had obtained succession certificate from Court of law to debt and securities Of late Shri Rajender Kumar Saini by misrepresenting and showing herself as wife of R.K. Saini in the food card issued by FSO circle No.9.

Proceedings of the hearing:

According to report of AC/Vigilance Mrs. Prem Sheila Saini had applied for ration card vide diary No. 921 dated 29.6.01 and she had also submitted a copy of electricity bill by the name of Sh. Somnath Saini. There was NOC from the landlord on the back of the application form. The report also states that the complainant's father is involved in a civil litigation with Mrs. Prem Sheila Saini and wants to drag the Department in support of his case claiming that Mrs. Saini had obtained the ration card in a fraudulent manner. The contention of the Department is that the Department issues ration card to anyone for drawal of FSA only based on the required documents which Mrs.



Saini had furnished at the time of application. FSO Circle 9 has however been advised to keep all the relevant records pertaining to ration card No. 004491 Regn. No. 1894, No. 5636 issued to Mrs. Prem Sheila Saini in safe custody of the Circle so that Department is able to produce the actual records to any agency/Court of law, if required in future.

The main point for concern in the case is regarding submission of NOC from Somnath Saini by Mrs. Prem Sheila Saini at the time of application for issue of ration card in 2001. Whereas Somnath Saini had expired in the year 1984. This is an issue which has to be investigated on the basis of supporting documents and contentions from petitioner's side. The nature of fraud of forgery therefore required independent investigation by Police for which the applicant has to move a proper petition supporting his contentions. The applicant is advised to make his further submissions to the Hon'ble Court or Police in the above context in view of above report of the Department.

The case will be treated as closed in the Commission.”

6. Thereafter, the matter culminated in the order dated 21st February, 2018 passed by the Division Bench of this Court in ***LPA 738/2017*** titled ***‘IK Saini v. The Department of Food and Supplies & Ors.’***, wherein the Court had directed as under:

“The appellant who appears in person states that he would not press this appeal if this Court were to direct the respondents to consider his complaint dated 6th May, 2014, in accordance with law.

The appeal is accordingly dismissed as not pressed with a direction to the concerned respondents to consider and take appropriate action on the said



complaint of the appellant; as may be warranted in law, under intimation to the appellant."

7. In terms thereof, the Court dismissed the aforesaid appeal, with the direction that the Respondents take appropriate action on the complaint of the Appellant dated 6th May, 2014.

8. However, the grievance of the Appellant is that no action has been taken pursuant to the order dated 21st February, 2018. Therefore, the Appellant had filed a contempt petition being **CONT.CASE 37/2019** titled '**I.K.Sahni v. K.N.Jha & Ors.**' assailing the said order.

9. *Vide* order dated 26th July, 2023, the **CONT.CASE 37/2019** was rejected with the liberty to the Petitioner to avail legal remedies in accordance with law. The relevant portion of the said order is as under:

"[...]2. The operative portion of the order dated 21.02.2018 reads as under:

"The appeal is accordingly dismissed as not pressed with a direction to the concerned respondents to consider and take appropriate action on the said complaint of the appellant; as may be warranted in law, under intimation to the appellant."

3. It is stated by the petitioner who appears in person that the order of 21.02.2018 has not been complied with in letter, spirit and intent.

4. Mr. Vashisht, learned ASC has drawn my attention to the counter affidavit, wherein it has been stated that

"11. It is humbly and most respectfully submitted that in view of the directions of this Hon'ble Court contained in the Order dated 21.02.2018, investigations with regard to the



above said documents was undertaken by the Answering Respondent and in a meeting convened in the Chamber of Commissioner of Food Supplies on 11.10.2018, the Petitioner was duly informed of the result of the said investigations/inquiry Vide Letter dated 20.12.2010, this fact was also duly communicated to the Petitioner. A copy of the said Letter dated 20.12.2018 is annexed herewith and marked as Annexure SA-I."

5. The letter of 20.12.2018 states that the record is not traceable as the same is old.

6. In this view of the matter, there is no intentional and malafide violation of the order of this Court.

7. However, the petitioner is at liberty to avail all his legal rights in accordance with law for his grievances."

10. Pursuant thereto, a review petition being ***REVIEW PET. 152/2023*** was also filed against the order dated order dated 26th July, 2023 in which the Court *vide* order dated 1st April, 2024 observed as under:

"REVIEW PET. 152/2023

1. The petitioner has filed the instant review petition under Order XLVII read with Section 151 of the CPC seeking review of the order dated 19th May, 2022.

2. Petitioner appearing-in-person submitted that this Court had allowed the adjournment request made by the petitioner, vide the impugned order dated 19th May, 2022, however, the reasons stated in the impugned order have been wrongly recorded by the Predecessor Bench of this Court.

3. It is submitted that in the impugned order, it has been recorded that the petitioner had moved an adjournment



slip on the ground that the main counsel is not well and is not in a position to attend the Court proceedings, however, the said ground is wrong since the petitioner's request for adjournment was different than what has been recorded in the impugned order.

4. It is further submitted that on 17th May, 2022, the petitioner had to visit High Court of Calcutta to appear in another case and due to the same, he could not attend the proceedings before this Court on 19th May, 2022, therefore, he had requested for the adjournment on the said ground.

5. It is submitted that instead of recording the above stated reason, the Predecessor Bench of this Court had wrongly recorded the ground for adjournment and hence, it is prayed that the impugned order may reviewed in light of the foregoing submissions

6. Per Contra the learned counsel appearing on behalf of the respondents vehemently opposed the instant petition submitting to the effect that the petitioner has been unable to make out any case for the review of the impugned order and the instant petition is merely an abuse of the process of law.

7. It is therefore submitted that the present petition, being devoid of any merits, may be dismissed.

8. Heard the learned counsel appearing on behalf of the parties and perused the record.

9. It is the case of the petitioner that the Predecessor Bench of this Court had wrongly recorded the reasons of adjournment in the impugned order. The petitioner has pleaded before this Court that in the impugned order, it has been recorded that he had moved an adjournment slip on the ground that the main counsel is not well and is not in a position to attend the Court



proceedings, however, the actual ground for adjournment was that the petitioner was occupied in pursuing another case before the High Court of Calcutta on 17th May, 2022 and therefore, could not appear in the proceedings held on 19th May, 2022 before the Predecessor Bench of this Court. Hence, the petitioner prays that the exact reason may be recorded.

10. This Court is of the view that the power of review is exercised in cases where there is an error apparent on the face of the record and only in such an event the order or judgment can be corrected or set aside.

11. For a High Court to exercise its power of review there must be an error/mistake apparent on the face of the record. An error which is highlighted by way of reasoning to such effect is not an error apparent on the face of it and hence, jurisdiction under review may not be exercised. The High Court is conferred with powers of review which is distinct from that of an appellate forum. The said power is neither the inherent power of this Court, nor is the review a means for covert appeal.

12. As far as the facts of the instant review petition is concerned, the petitioner has not been able to make out a case for review and hence, the said contentions cannot be entertained under the review jurisdiction of this Court. The submissions advanced by the petitioner are trivial in nature and do not make out a case for want of review.

13. In light of the same, this Court is of the view that the instant review petition is meritless as the same is merely an attempt to abuse the process of law and misuses the remedies available to the petitioner. The present review petition is utterly unnecessary and in light of the same, it is liable to be dismissed.

14. Accordingly, the instant review petition along with



the pending applications, if any, stands dismissed.”

11. In terms of the above, the review petition was dismissed as the Court had noted that no grounds for review are made out. The Appellant had also preferred a further review petition being **REVIEW PET. 354/2023**, which was also rejected *vide* order dated 7th February, 2025 in the following terms:

“[...] 11. In this view of the matter, there is no intentional and malafide violation of the order dated 21.02.2018, as alleged by the petitioner. Hence, the Cont.Cas(C) No.37/2019 was disposed of by this Court vide the order dated 26.07.2023 and the operative paragraphs of the said order read as:-

"5. The letter of 20.12.2018 states that the record is not traceable as the same is old.

6. In this view of the matter, there is no intentional and mala fide violation of the order of this Court.

7. However, the petitioner is at liberty to avail all his legal rights in accordance with law for his grievances.

8. With this liberty, the contempt petition is disposed of "

12. The petitioner has not drawn my attention to any change in the circumstances of the present case.

13. Therefore, in my considered analysis, no grounds for review are made out in the present petition.

14. For the said reasons, I am of the view that the impugned order is well reasoned and does not require any interference.

15. Hence, the review petition is dismissed and is disposed of accordingly.



12. In this appeal the challenge is to the various orders passed in the Contempt petition. The Court has heard the Id. Counsels for the Appellant and the Respondent.

13. The foremost issue that arises for consideration is whether the present appeal under Section 19 of the Contempt of Courts Act, 1971 would be maintainable or not.

14. In '*Midnapore Peoples' Coop. Bank Ltd. v. Chunilal Nanda (2006) 5 SCC 399*, the Court has clearly held that appeals under Section 19 of the Contempt of Courts Act, 1971 would be maintainable only in respect of orders punishing for contempt. The relevant portion is set out below:

"11. The position emerging from these decisions, in regard to appeals against orders in contempt proceedings may be summarised thus:

I. An appeal under Section 19 is maintainable only against an order or decision of the High Court passed in exercise of its jurisdiction to punish for contempt, that is, an order imposing punishment for contempt.

II. Neither an order declining to initiate proceedings for contempt, nor an order initiating proceedings for contempt nor an order dropping the proceedings for contempt nor an order acquitting or exonerating the contemnor, is appealable under Section 19 of the CC Act. In special circumstances, they may be open to challenge under Article 136 of the Constitution.

III. In a proceeding for contempt, the High Court can decide whether any contempt of court has been committed, and if so, what should be the punishment and matters incidental thereto. In such a proceeding, it is not appropriate to adjudicate or decide any issue relating to the merits of the dispute between the parties.

IV. Any direction issued or decision made by the High



Court on the merits of a dispute between the parties, will not be in the exercise of “jurisdiction to punish for contempt” and, therefore, not appealable under Section 19 of the CC Act. The only exception is where such direction or decision is incidental to or inextricably connected with the order punishing for contempt, in which event the appeal under Section 19 of the Act, can also encompass the incidental or inextricably connected directions.

V. If the High Court, for whatsoever reason, decides an issue or makes any direction, relating to the merits of the dispute between the parties, in a contempt proceedings, the aggrieved person is not without remedy. Such an order is open to challenge in an intra-court appeal (if the order was of a learned Single Judge and there is a provision for an intra-court appeal), or by seeking special leave to appeal under Article 136 of the Constitution of India (in other cases).

The first point is answered accordingly. ”

15. The above judgment has been followed by this Court in ***CONT.APP.(C) 23/2025*** titled ‘***RK Sharma v. Sh. Amarjeet Singh***’ and recently in ***CONT.APP.(C) 6/2026*** titled ‘***Tribhuwan Singh & Ors. v. Shri Chetan Prakash Jain and Anr.***

16. In the present case, there is no finding of contempt, nor any punishment meted out in respect of any contempt.

17. In view of the decision of the Supreme Court in ***Midnapore Peoples' Coop. Bank Ltd. v. Chunilal Nanda, (2006) 5 SCC 399***, and the other decisions mentioned above, the present appeal is not maintainable.

18. In the opinion of this Court, if any ration card has been issued based on a forgery, instead of pursuing a writ petition, the Appellant may be well-advised to avail his remedies in accordance with law, by filing a civil suit.



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19. The appeal is disposed of in these terms. All pending applications are also disposed of.

PRATHIBA M. SINGH
JUDGE

DINESH BHATT
JUDGE

SEPTEMBER 28, 2026

Rahul/sm