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Supreme Court Warns: Filing a Review Petition Does Not Excuse Non-Compliance with Court Orders

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In a strongly-worded judgment, the Supreme Court of India found Chhattisgarh government officials in contempt and sounded a nationwide alert against the growing practice of using delayed appeals to dodge Court-mandated obligations. In Israr Ahmad Khan v. Amarnath Prasad & Ors.[1] and Md. Hanif v. Amarnath Prasad & Ors.[2] the court orders are legal obligations, not optional policy suggestions for government officials.

Background: A Deadline Ignored

On 20 May 2025, the Supreme Court of India directed the Chhattisgarh State Minor Forest Produce Federation to create a supernumerary post of Godown Keeper. The order came with a clear three-month compliance window, meaning the Federation was required to act by 20 August 2025.

That deadline passed without compliance. What followed was a chain of bureaucratic correspondence that the Court ultimately found to be a series of excuses rather than genuine efforts to obey its order. The Managing Director of the Federation wrote to the Additional Chief Secretary for "guidance" only after over two months of the compliance period had already elapsed. When the Government responded, rather than directing implementation, it asked whether all legal options had been exhausted against the Court's order.

Worse still, in October 2025 well after the compliance deadline a defective Review Petition was filed. Its defects, notified in November 2025, remained uncured at the time the contempt judgment was delivered.

The Court's Findings: Inexcusable and Deliberate

The Court found that a "clear-cut case of contempt" had been made out. Several findings stood out:

Compliance was made conditional on a Review Petition. The Managing Director had informed the Government that implementation would proceed only if the Review Petition failed. The Court was unequivocal: a party is duty-bound to comply first. Any adjustments arising from the outcome of a review can follow. Making compliance contingent on a pending review is simply not permissible.

The affidavit admitted the ability to comply. Remarkably, the affidavit in reply stated that if the Court did not find merit in the review petition, "immediate steps to comply will be taken as the logistical hurdles have been figured out." In the Court's view, this was a clear admission that compliance was possible all along but was being withheld as a deliberate choice.

No application was moved to seek directions. The alleged contemnors never approached the Court to flag implementation difficulties, identify the appropriate authorities, or seek clarification. Had they done so, the Court noted, a resolution could have been explored. Instead, they chose silence until contempt proceedings were initiated against them.

Key Legal Principles Reaffirmed

1. Contempt Jurisdiction Has a Narrow Focus

Relying on Union of India v. Subedar Devassy PV[3], the Court reiterated that when exercising contempt jurisdiction, the only question is whether the order was complied with. Courts in contempt proceedings cannot examine the correctness of the original order, traverse beyond it, grant additional directions, or test its practicability. If a party believes an order is wrong or unimplementable, it must challenge it through appropriate proceedings not ignore it.

2. Non-Parties Can Be Held in Contempt

The Court drew upon the leading judgment in Sita Ram v. Balbir[4], which in turn traced the principle through landmark English decisions including Seaward v. Paterson[5] and Attorney General v. Times Newspapers Ltd.[6] The settled position is that any person whether or not a party to the original proceedings who knowingly aids or assists in the violation of a Court order, or who obstructs the administration of justice, can be proceeded against for contempt.

The Court applied this principle directly to the Additional Chief Secretary and the Government of Chhattisgarh, who were aware of the order from at least 22 July 2025 by virtue of the correspondence placed on record and yet failed to enable compliance.

3. Belated Appeals Cannot Shield Non-Compliance

In a passage of wider significance, the Court turned its attention to what it described as a growing and deeply troubling pattern: orders go unimplemented for long periods; when contempt petitions are filed, belated appeals or review petitions are rushed through and their mere filing is used to seek repeated adjournments.

The Court deprecated this practice in unambiguous terms, warning that it amounts to brazen disobedience, threatens the authority and majesty of the Courts, and may in certain situations border on criminal contempt. High Courts, it said, must deal with such conduct "with an iron hand" particularly when the defaulting party is the State or a State instrumentality under Article 12 of the Constitution.

Outcome and Directions

The Court granted the alleged contemnors one final opportunity to fully comply with the order by 24 March 2026. Failure to do so would result in formal charges being framed against them.

Two respondents who no longer held the relevant posts were substituted. Ms. Richa Sharma, Additional Chief Secretary (Forest and Climate Change), replaced the originally-named Respondent No. 1, and Mr. Anil Kumar Sahu, Principal Chief Conservator of Forests and Managing Director of the Federation, was substituted in place of Respondent No. 2.

In an extraordinary step, the Court directed that copies of the judgment be circulated to the Union Secretary, Department of Personnel and Training, and to the Chief Secretaries of all State Governments, Union Territory Administrations, and the Government of the National Capital Territory of Delhi. The message was direct: Government officers arrayed in contempt proceedings cannot treat Court orders as optional.

Why This Judgment Matters

This judgment is significant on multiple fronts. First, it reinforces that the right to file a review petition does not carry with it the right to suspend compliance. The two are independent. Second, it expands accountability for non-compliance beyond named parties to all those in the chain of implementation who have knowledge of the order. Third, and perhaps most importantly, it sends a clear signal to governments across India: using procedural delays as a litigation tactic to avoid implementing Court orders will be treated as contempt, not merely as administrative inconvenience.

The Court's observation that "liberal" contempt jurisprudence may require a serious re-look is also noteworthy. While the Court declined to elaborate further in this case, it flagged the issue for consideration in a more appropriate future case suggesting a potential tightening of the law in this area.

For litigants who have secured favourable orders, the message is also clear: pursue enforcement promptly. For government officers, the takeaway is stark: an unobeyed Court order is not a policy disagreement it is a legal obligation.

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1. CONTEMPT PETITION (CIVIL) NO.5/2026 IN C.A. NO.7023/2025 (2026 INSC 209) ??
2. CONTEMPT PETITION (CIVIL) NO.6/2026 IN C.A. NO.7024/2025 ??
3. (2006) 1 SCC 613 ??
4. (2017) 2 SCC 463 ??
5. 1895-99) All ER Rep 1127: (1897) 1 Ch 545 (CA) ??
6. (1991) 2 All ER 398: (1992) 1 AC 191: (1991) 2 WLR 994 (HL) ??

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