

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED : 22.06.2016**

**CORAM**

**The Hon'ble MR.SANJAY KISHAN KAUL, CHIEF JUSTICE**

**AND**

**The Hon'ble MR.JUSTICE M.SATHYANARAYANAN**

**Contempt Petition No.2535 of 2015**

S.Cyril Alexander,  
State Convenor,  
Tamilnadu People's Forum for  
Tobacco Control (TNPFTC),  
No.39/8, Starling Apartments,  
2<sup>nd</sup> Street, Akbarabad,  
Kodambakkam,  
Chennai-600 024.

.. Petitioner

-VS-

1.Tapan Ray,  
Secretary,  
Ministry of Corporate Affairs,  
Union of India,  
'A' Wing, Shastri Bhawan,  
Rajenda Prasad Road,  
New Delhi-110 001.  
2.Bhanu Pratap Sharma,  
Principal Secretary,  
Union of India,  
Ministry of Health and Family Welfare,  
Nirman Bhawan,  
New Delhi-110 011.

.. Respondents

Petition filed under Section 11 of the Contempt of Courts Act, 1971, to punish the respondents for wilful disobedience of the order dated 11.08.2014 in W.P.No.9955 of 2014.

For Petitioner : Mr.S.Sathia Chandran

For Respondent : Mr.Su.Srinivasan  
Asst. Solicitor General

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**ORDER**

(Order of the Court was made by The Hon'ble Chief Justice)

An affidavit has been filed on behalf of the respondents, which states that after an Inter Ministerial Committee discussions, the general Circular No.05/2016 dated 16.05.2016 has clarified that the Companies while undertaking corporate social responsibility activities under the provisions of the Companies Act, 2013 shall not contravene any other prevailing laws of the land including Cigarettes and Tobacco Products Act (COTPA), 2003. It is thus submitted that in view of this clarification, Cigarettes and Tobacco industry while utilising their CSR activities cannot contravene the provision of the Cigarettes and Tobacco Products Act (COTPA), 2003.

2. The learned counsel for the petitioner states that still his fundamental grievance remains that the industry cannot undertake any social responsibility activities.

3. In our view that cannot be the subject matter of the present contempt petition.

4. The contempt petition is, thus closed.

(S.K.K., CJ.) (M.S.N., J.)  
22.06.2016

Index : Yes/No  
Internet : Yes/No

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The Hon'ble Chief Justice  
and  
M.Sathyanarayanan, J.

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