

30.

\$~

*

IN THE HIGH COURT OF DELHI AT NEW DELHI

+ CO.A (SB) 8/2010 & CO. APPLS. 234/2011 and 944/2011

DHARMENDER PARASHER

AND ANOTHER

..... Appellants
Through: Mr. Manish Kaushik, Advocate.

versus

**VIAGGINDIA TOURS AND
TRAVEL PVT. LTD.**

..... Respondent
Through: Mr. Rakesh Tikku, Senior Advocate with
Mr. Sujit K. Gupta, Advocate for
respondent No.2.
Mr. Vibhu Bhakru, Senior Advocate and
Amicus Curiae.
Mr. Rohit K. Nagpal, Advocate.

CORAM:

HON'BLE MR. JUSTICE MANMOHAN

ORDER

16.11.2011

%

Mr. Rakesh Tikku, learned senior counsel for Mr. Kesar Singh, without prejudice to his rights and contentions and to give a quietus to the matter at the interlocutory stage, states that till the Company Law Board decides the main matter on merits, the website *www.viaggindia.com* shall be closed. Mr. Tikku further assures this Court that Mr. Kesar Singh shall not re-direct or link the aforesaid

Signature Not Verified

Digitally Signed By: AMULYA
Certify that the digital file and
physical file have been compared and
the digital data is as per the physical
file and no page is missing.

35

website with any other website.

It is directed that the password for the aforesaid website shall be deposited by Mr. Kesar Singh in a sealed cover with the Registrar General of this Court.

It is made clear that in the event, the aforesaid undertaking is not complied with, this Court would be at liberty to block the aforesaid website by using the said password.

However, it is clarified that it shall be open to Mr. Kesar Singh to use the other websites created by him.

Mr. Tiku, on instructions of respondent No.2 Mr. Kesar Singh further states that he would pay a sum of €16,000/- to the respondent company within a period of ten days.

It is clarified that the amount so deposited shall remain with the company and shall not be subject to any further orders.

The statements and undertakings given by both the learned counsel are accepted by this Court and both the parties are held bound by the same.

Both the parties are directed to appear before the Company Law Board on 02nd December, 2011 at 10:30 a.m.

36

Mr. Kesar Singh who is personally present in India, is at liberty to file an affidavit in support of the reply affidavit that has already been placed on record on his behalf.

If the said affidavit is filed within a period of one week, the same shall be taken on record by the Company Law Board.

All the rights and contentions of both the parties are left open.

Registry is directed to send a copy of this order to the Company Law Board forthwith.

List the matter before the Registrar General on 29th November, 2011 for deposit of password by Mr. Kesar Singh.

With the aforesaid observations, present appeal and pending applications stand disposed of.

NOVEMBER 16, 2011

js


MANMOHAN, J