

HC-KAR



CNR: KAHC010786962025

NC: 2026:KHC:45793-DB
CCC No. 1547 of 2025

IN THE HIGH COURT OF KARNATAKAAT BENGALURU

DATED THIS THE 25TH DAY OF AUGUST, 2026

PRESENT

THE HON'BLE MR. JUSTICE JAYANT BANERJI

AND

THE HON'BLE MS. JUSTICE TARA VITASTA GANJU

CIVIL CONTEMPT PETITION NO. 1547 OF 2025

BETWEEN:

M/S. MARUTHI BAR AND RESTAURANT,
NO.97, JIGANI,
ANEKAL TALUK,
BENGALURU-560105.

REPRESENTED BY ITS PROPRIETOR,
SRI. N.ANANDA REDDY,
S/O. LAKSHMAIAH NANJUNDA REDDY,
AGED ABOUT 51 YEARS,

...COMPLAINANT

(BY SRI. SOMASHEKHARAIH.R.P.,ADVOCATE)

AND:

MR. K.RADHAKRISHNAN NAIR
AUTHORIZED OFFICER,
M/S. EDEL WEISS ASSET
RECONSTRUCTION CO. LTD.,
A COMPANY INCORPORATED UNDER THE
COMPANIES ACT, 1956 AND AS
AN ASSET RE-CONSTRUCTION COMPANY,
UNDER SECTION 3 OF SECURITIZATION AND
RECONSTRUCTION OF FINANCIAL ASSETS AND
ENFORCEMENT OF SECURITY INTEREST ACT, 2002
HAVING ITS REGISTERED OFFICE AT
EDELWEISS HOUSE, 1ST FLOOR,
OFF CST ROAD, KALINA,

Digitally
signed by JAI
JYOTHI J
Location: High
Court of
Karnataka

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MUMBAI-40098.
ACTING IN ITS CAPACITY
AS TRUSTEE OF EARC TRUST SC 410.

...ACCUSED

THIS CCC IS FILED UNDER SECTIONS 11 AND 12 OF THE CONTEMPT OF COURT ACT, 1971 BY THE COMPLAINANT, WHEREIN PRAYS THAT THE HON'BLE COURT BE PLEASED TO INITIATE CONTEMPT PROCEEDINGS AGAINST THE ACCUSED FOR VIOLATING THE ORDER PASSED BY THIS HON'BLE COURT IN W.P.NO.10386/2025 DATED 14.08.2025 AND 16.09.2025 UNDER ANNEXURE-D AND E AND PUNISH THE ACCUSED IN ACCORDANCE WITH LAW.

THIS PETITION, COMING ON FOR ORDERS, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE JAYANT BANERJI
&
HON'BLE MS. JUSTICE TARA VITASTA GANJU

ORAL ORDER

(PER: HON'BLE MR. JUSTICE JAYANT BANERJI)

Heard the learned counsel for the complainant.

2. Allegation of violation of the orders of this Court in Writ Petition No.10386/2025, dated 14.08.2025 and 16.09.2025 is alleged. The operative part of the order of the Writ Court dated 14.08.2025 reads as follows:

"[A] The writ petition stands disposed of reserving liberty to the petitioner to avail the opportunity with the deposit of Rs.37,00,000/- along with a copy of this order



calling upon the respondent to consider receiving such deposit and extending reasonable time on terms mentioned above.

[B] It is needless to observe that if the respondent refuses, the petitioner must avail remedy under the SARFAESI Act."

3. The order dated 16.09.2025, reads as follows:

"ORAL ORDER ON I.A.No.3/2025

This Court has disposed of this petition by order dated 14.08.2025, and the operative portion of this Court's order reads as under:

ORDER

"[A] The writ petition stands disposed of reserving liberty to the petitioner to avail the opportunity with the deposit of Rs.37,00,000/- along with a copy of this order calling upon the respondent to consider receiving such deposit and extending reasonable time on terms mentioned above.

[B] It is needless to observe that if the respondent refuses, the petitioner must avail remedy under the SARFAESI Act."

The petitioner has filed this application for leave to deposit a sum of Rs.37,00,000/- and for permission to open the lock of the scheduled premises relying upon circumstances. This Court on 08.09.2025, has permitted the petitioner to secure a corrected Pay Order for the aforesaid sum in favour of M/s. EDEL WEISS Asset



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Reconstruction Co. Ltd. This Court's order dated 08.09.2025 reads as under:

"The petitioner's request in terms of the present application is considered in the light of this Court's order dated 14.08.2025 and the statement on behalf of the respondent that the petitioner has not tendered the amount by way of a Pay Order drawn in favour of "M/s.EARC Trust SC 410" though repeatedly instructed and that the petitioner is insisting on handing over a Pay Order drawn in favour of "M/s. EDEL WEISS Asset Reconstruction Co. Ltd."

This Court is of the opinion that there must be another opportunity to the petitioner, and hence, the petitioner is reserved with liberty to ensure that the present Pay Order drawn in favour of 'M/s. EDEL WEISS Asset Reconstruction Co. Ltd.' is corrected to show that the beneficiary will be 'M/s. EARC Trust SC 410'.

The office is directed to re-list this petition on 12.09.2025."

Mr. R. P. Somashekharaiyah, the learned counsel for the petitioner has handed over the corrected Pay Order to the learned counsel for the respondent, who is present in the Court placing the copy thereof on record for this Court's perusal. In the turn of events, this Court's earlier order as aforementioned is reiterated directing the



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respondent to extend two weeks to the petitioner to close the account and to restitute possession of the subject property to the petitioner. It is needless to observe that if the respondent does not communicate the decision despite the tender of the afore amount, the petitioner shall avail remedy under Section 17 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002. I.A.No.3/2025 stands disposed of accordingly."

4. When queried, the learned counsel for the complainant refers to paragraph No.14, in the grounds of the complaint, to state that non-compliance of the order of the Writ Court has taken place.

5. We are not satisfied that any violation of the orders of the Writ Court has taken place. Given the operative part of the order dated 14.08.2025, as well as the order dated 16.09.2025 passed by the Writ Court, no contempt of the orders have been committed. The contempt case is consigned.

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6. The Office is required to communicate this order to the accused within a fortnight.

**Sd/-
(JAYANT BANERJI)
JUDGE**

**Sd/-
(TARA VITASTA GANJU)
JUDGE**

JJ

List No.: 1 Sl No.: 18