

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO. 5 OF 2015

IN

CONTEMPT PETITION NO. 314 OF 2014

TCI Telenet Solutions Private Limited .. Applicant

In the matter between

TCI Telenet Solutions Private Limited .. Petitioner

vs.

Millenium Motors Private Limited & anr. .. Respondents

Mr. Ajay Panicker i/b M/s. Ajay Law Associates for the
Applicant/Petitioner.

CORAM : M. S. SONAK, J.

DATE : 17 JULY 2015.

P.C. :-

1] In this case, the complaint is that the respondents are not complying with the order made by this Court on 7 January 2013 which directs them to deposit in the Trial Court an amount of Rs.2,20,000/- per month towards monthly licence fee/compensation for the use and occupation of the suit premises till the disposal of the suit. There was further a direction to deposit arrears of licence fee for the period between June 2006 and December 2012 within a period of ten weeks.

2] Learned counsel for the petitioner states that neither have the arrears been deposited nor is the direction for deposit of Rs.2,20,000/- per month towards licence fees/compensation being complied with. The respondents, however, continued use and occupy

the suit premise, which are located at Pune. The learned counsel for the petitioner points out that several attempts have been made to serve the process of this Court upon Mr. Dipak D. Naik and Mrs. Aruna D. Naik, the Directors of Millenium Motors Private Limited. However, there are reports by the Bailiff, that the said Directors are not staying at Deepak Bungalow, Paud Road, Pune, which is incidentally the registered office of the respondents' company. The learned counsel for the petitioner points out that even in the past attempts of service were dodged by the Directors and it is only after a warrant was issued that the Directors appeared in the Court. The learned counsel for the petitioner points out that in pending suit the advocate for the respondents appears, but said advocate is not authorised to accept the process in contempt proceedings. In these circumstances, the learned counsel submits that this is a fit case where this Court should exercise powers under Rule 8 of the Rules framed by this Court to regulate the proceedings under Article 215 of the Constitution of India.

3] If the allegation that the respondents have not complied with the order dated 7 January 2013 in the matter of deposits of arrear as well as monthly licence fee are correct, a *prima-facie* case is made out for exercise of powers under the Contempt of Courts Act.

4] Further, the record at least *prima-facie* indicates that service is being avoided by the Directors of the respondents. In such circumstances, it does appear to be absolutely necessary to issue a Bailable Warrant to secure presence of at least one of the Directors of the respondents, i.e., Mr. Dipak D. Naik.

5] Accordingly, issue Bailable Warrant in an amount of Rs.1,00,000/- (Rs. One Lac), returnable on 10 August 2015, in order to secure presence of Mr. Dipak D. Naik, Director of Millenium Motors Private Limited, having registered office at 41, Deepak Bungalow, Ex-Servicemen Colony, Paud Road, Pune-411038, which is incidentally also the residential address of Mr. Dipak D. Naik. The Bailable Warrant to be executed through the concerned Police Station within whose jurisdiction the said Dipak D. Naik resides.

6] The Registry to take necessary steps in the matter of execution of the warrant.

7] With the aforesaid, Civil Application No. 5 of 2015 is disposed of.

(M. S. SONAK, J.)