

HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

CONTEMPT CASE No.2108 of 2015

Date:13.11.2015

Between:

BASF India Limited,
Mumbai, repled., by its duly
Authorized Officer-Mr. Rajeev Gupta

..... Petitioner

And:

Waseem Ahmad Khan,
Chairman & Managing Director,
Moradabad.

.....Respondent

Counsel for the Petitioner: Mr. Tarun G.Reddy

Counsel for the Respondent: None appeared

The Court made the following:

ORDER:

This Contempt Case is filed alleging willful disobedience of order,

dated 31.03.2015, in Company Application Nos.506 and 513 of 2015 in/and Company Petition No.22 of 2014.

A perusal of the said order shows that on the suggestion made by this Court to the effect that the new Management of the respondent may pay Rs.10 lakhs to the petitioner towards compensation for retaining the machinery for more than four years by it and allow the petitioner to take back the machinery, both parties have agreed to the same and accordingly, Company Application No.506 of 2015 filed by the petitioner under Rule-100 of the Company (Court) Rules, 1959 to permit it to withdraw the Company Petition was allowed with liberty to it to take recourse to appropriate legal measures if needed.

In the Contempt Case, the petitioner averred that while the respondent has paid Rs.10 lakhs as agreed by it, it is not permitting the former to take back the machinery.

In my opinion, as the Company Petition was permitted to be withdrawn by the petitioner on the understanding reached between the parties, breach of the agreement on one of the aspects between the parties does not constitute contempt. However, the petitioner is entitled to take recourse to appropriate legal measures, as permitted by this Court, for enforcement of the agreement reached between it and the respondent.

Subject to the liberty given to the petitioner as above, the Contempt Case is dismissed.

JUSTICE C.V.NAGARJUNA REDDY

13th November, 2015

DR