

THE HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY

CONTEMPT CASE NO.1825 OF 2012

DATED:27-7-2015

Between:

M/s. Ranbaxy Laboratories Limited
Rep. by its authorized signatory Mr. Amit Rai
A-41, Industrial Area
Phase VIII-A, SAS Nagar
Mohali

... Petitioner

And

Dr. Jayaram Chigurupati

... Respondent

... Respondents

COUNSEL FOR THE PETITIONER: Mr. Avinash Desai,
for S. Niranjan Reddy

COUNSEL FOR THE RESPONDENT: Mr. K. Vivek Reddy

THE COURT MADE THE FOLLOWING:

ORDER:

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This contempt case is filed alleging wilful disobedience of order dt.8.10.2012 in Company Application No.3 of 2012 in Company Petition No.83 of 2009 of the Company Law Board (CLB), Chennai Bench, at Chennai.

I have heard Mr. Avinash Desai, learned counsel representing Mr. S. Niranjan Reddy, learned counsel for the petitioner, as well as Mr. K. Vivek Reddy, learned counsel for the respondent.

The petitioner has filed C.A. No.3 of 2012 in C.P. No.83 of 2009 before the CLB under Sections 397 and 398 of the Companies Act, 1956 for passing appropriate interim orders in C.P. No.83 of 2009 filed for oppression and mismanagement against the respondent. In the said application, the CLB has passed the above-mentioned order allowing prayer (i) of paragraph 6 of the application and directed the respondent to return all the documents and and provide written details of all missing documents/assets/statutory records/ equipment of Zenotech as mentioned in the affidavit dated 07.12.2011 of Mr. B.K. Raizada. Alleging that this order has not been complied with, the petitioner filed this contempt case.

This Court on 06.8.2014 has adjourned the case to facilitate the respondent to make an endeavour to trace the records/registers, if any. Thereafter, the respondent has filed an additional counter affidavit along with Annexure R-1 wherein he has given details sought by the petitioner relating to various items of the records/articles/vehicles etc., and the persons who are in custody thereof.

Mr. Avinash Desai, learned counsel appearing for the petitioner, submitted that the respondent who failed to disclose his defence

before the CLB has come out with the details which are of no use to the petitioner and which do not serve the purpose and the respondent has tried to wash his hands off without accounting for any records and other articles.

In my opinion, whether the respondent has properly accounted for registers, records and other articles needs to be adjudicated in the company petition. As the scope of contempt case being limited and the respondent has come out with details with regard to each of the items sought by the petitioner with reference to which the CLB has passed the order, it is not possible for this court to examine the correctness or otherwise of these details, in the contempt case.

Therefore, without expression any conclusive opinion as to whether the respondent has complied with the order of the CLB in its true spirit or not, the contempt case is closed without prejudice to the pleas that may be raised by the petitioner before the CLB in C.P. No.83 of 2009.

As a sequel to disposal of the contempt case, Application No.942 of 2014 shall stand disposed of as infructuous.

C.V. NAGARJUNA REDDY, J

27-7-2015

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