

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CO.APP. 26/2015 & CM Nos.13682-13683/2015**

Date of decision : 3rd August, 2015

QUADRANT EPP SURLON INDIA LTD. Appellant
Through: Mr. Manoj Kumar Garg, Mr. Prem
and Mr. Rajesh Agarwal, Advts.

versus

BAGPET INDUSTRIES LIMITED Respondent
Through: None

CORAM:
HON'BLE MS. JUSTICE GITA MITTAL
HON'BLE MR. JUSTICE I.S.MEHTA

ORDER
% **03.08.2015**

1. The appellant assails an order dated 3rd March, 2015 which was passed in CCP (Co.) 32/2014 filed by the appellant against the respondent as well as Company Application No.1316/2015 seeking revival of winding up petition Co.Pet. No.289/2015 which were rejected. It appears that a settlement was arrived at in mediation between the parties based whereon, the winding up petition filed by the appellant against the respondent company was disposed of by the order dated 11th September, 2013. The respondent paid one instalment while cheques tendered towards other instalments were dishonoured. As a result, Co.Appln. No.1316/2014 seeking revival

of the company petition as well as Co.Pet.32/2014 seeking initiation of contempt of court proceedings against the respondents were filed. During the pendency of the contempt petition and the application, the respondent paid the settlement amounts in three instalments which amounts were unconditionally accepted on behalf of the appellant. These facts persuaded the learned Single Judge to reject the company petition as well as the application seeking revival.

2. We are of the view that to the extent that the appeal assails the order passed on 3rd March, 2015 rejecting the contempt petition, the present appeal is misconceived in view of the limited right conferred under Section 19 of the Contempt of Court Act which restricts the availability of the remedy of appeal to persons who stand punished in contempt proceedings.

3. To the extent that the appellant assails rejection of the revival petition, the same cannot be faulted inasmuch as the appellant has unconditionally accepted the full amount in terms of the mediation settlement without making any objection thereto.

4. The reliance placed by learned counsel for the appellant on the order dated 21st April, 2014 passed in ***Company Appeal No.22/2014 M/s M. Tech Developers Ltd. vs. Swapna Bhattacharya*** is misconceived inasmuch as this order was passed in the facts of the case. There was no settlement in this case as existed in the present case.

5. In view of the above, we find no merit in this appeal which is hereby dismissed.

CM Nos. 13682-13683/201

6. In view of the orders passed in the appeal, these applications are also dismissed.

GITA MITTAL, J

I.S.MEHTA, J

AUGUST 03, 2015
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