

IN THE HIGH COURT OF BOMBAY AT GOA

CONTEMPT PETITION NO. 45 OF 2014

IN

CRIMINAL APPEAL NO. 28 OF 2012

EDC LIMITED THROUGH ITS DEPUTY
GENERAL MANAGER (RECOVERY) SHRI
PRADIP P. BORKAR.

... Petitioner

Versus

M/S. LUDWIG FLOW EQUIPMENTS PVT.
LTD., AND 2 ORS.,

... Respondents

Mr. Shashikant Narayan Joshi, Advocate for the Petitioner.
Ms. Namrat Chari, Advocate for the Respondents no. 1, 2 and 3.

Coram:- F. M. REIS, J.

Date:- 15th November, 2016

P.C.:

Heard Shri S. N. Joshi, learned Counsel appearing for the
Petitioner and Ms. Namrat Chari, learned Counsel appearing for the
Respondents.

The Petition for contempt is on the basis that the undertaking
given by the Respondents who are present in Court, to pay total
amount payable to the Petitioner amounting to Rs.5 lac alongwith
interest @8% per annum from 29.11.2003 till the date of payment in
the order dated 11.08.2014 is not complied with.

It is pointed out by Ms. Chari, learned Counsel appearing for the
Respondents that after such undertaking was given, a substantial

amount was paid to the Petitioner and the amount due as on date is the sum of Rs.4,52,904/-. The Respondents have tendered a Demand Draft and a Banker's cheque for a total sum of Rs.3,75,000/- in favour of the Petitioner. The Respondents who are present in Court submit that they will deposit the balance sum of Rs.77,904/- by Demand Draft in the name of the Petitioner with the Registrar (Judicial) of this Court within 15 days from today. Accepting the said undertaking of the Respondents, I find that nothing further survives in the above Petition. It is however to be noted that in case the Respondents default in complying with the above undertaking, serious view would be taken against the Respondents in accordance with law. The Respondents who are present in Court have tendered an unconditional apology for not complying the undertaking on account of financial constraints and undertake that they will abide with the directions issued by the Court.

Considering the aforesaid circumstances and in the peculiar facts of the case, accepting the statement of the Respondents who are present in Court that the balance amount of Rs.77,904/- would be deposited by Demand Draft with the Registrar (Judicial) within 15 days, the above Contempt Petition stands disposed of.

F. M. REIS, J.