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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
APPEAL (L)NO.70 OF 2015

SICOM Limited	...Appellants
vs.	
Official Liquidator of M/s.Shree Marathwada Paper Mills Pvt.Ltd.	
And others	...Respondents

Mr.Sunil Kadam for the Appellant
None for the Respondent.

CORAM : A.S.OKA, &
P.D.NAIK,JJ.
DATE : MARCH 17, 2016

P.C.

1 By this Appeal the appellant-SICOM Limited has impugned the order dated 28th November 2014 passed by the learned Single Judge on a show cause notice of contempt issued to the appellant. By accepting the apology tendered by Shri B.D.Dhongade, Authorised Officer and Constituted Attorney of the appellant, the learned Single Judge has discharged the show cause notice. While passing the order of discharge, the learned Judge has issued a warning to the appellant that in the event any further breaches of the order of this Court are committed by any Official of SICOM Limited, the Court would take stern action.

2 The submission of the learned counsel for the appellant is that the observations made by the

learned Single Judge that the appellant has committed persistent defaults are completely contrary to the record. He submitted that the order dated 12th September 2014 which is relied upon by the learned Single Judge in paragraph 1 of the impugned order has been modified by the Appeal Bench by order dated 27th October 2014. He, therefore, submitted that the finding on the conduct of the Officers of the appellant is not warranted.

3 We have perused the impugned order. We have considered the submissions of the learned counsel for the appellant. In the paragraph 1 of the impugned order dated 28th November 2014 the learned Judge has quoted the first five paragraphs of the order dated 13th November 2014. In the order dated 13th November 2014 passed by the learned Single Judge, paragraph 1 quotes the earlier order dated 12th September 2014 passed by the Court. Paragraphs 2 and 3 of the order dated 13th November 2014 which are quoted in paragraph 1 of the impugned order are independent of order dated 12th September 2014. In paragraph 3 of the order dated 13th November 2014, the learned Single Judge has referred to the instance of breach committed by the appellant of the order dated 25th April 2013 passed by the learned Company Judge on Official Liquidator's Report. Thus, the observations made by the learned Single Judge in order dated 13th November 2014 which are quoted in paragraph 1 of the impugned order are based not only on the order dated 12th September 2014 but also on the basis of the breach of the order passed by the

learned Company Judge on 25th April 2013. The observation of the learned Single Judge that he has noticed that the appellant has repeatedly committed breach of the order of this Court is not in the order dated 12th September 2014 but it is in the order dated 13th November 2014. Admittedly, the order dated 13th November 2014 is not challenged by the appellant. Therefore, there is no justification in the contention of the appellant that the observations are unwarranted.

4 Before we part with this order, we must note that in clause 8 of the synopsis the appellant has alleged that the learned Single Judge passed the impugned order at the instigation of the Official Liquidator. In clause (I) of the grounds in this appeal, the appellant has alleged that the impugned order has been passed in a hasty manner. We are of the view that such reckless allegations ought not to have been made by the appellant. In fact, this conduct of the appellant of making such reckless allegations supports the view taken by the learned Single Judge. After noting that the appellant has committed breaches of the orders passed by this Court, the learned Judge has shown indulgence by accepting the apology tendered by Shri B.D.Dhongade. Therefore, no interference whatsoever is called for with the impugned order.

5 The appeal is accordingly dismissed. Considering the manner in which the allegations are made in the appeal against the learned Single Judge,

we direct that a copy of this order as well as the impugned order shall be forwarded by the Registry to the Managing Director of the appellant.

(P.D.NAIK,J.)

(A.S.OKA,J.)