

No.1 Company to Appellant No.2 and or his nominees. The order further provided that in the event Appellant No.2 failed to make payment of Rs.6 Crores along with interest as provided therein, then any amount already paid by Appellant No.2 shall stand forfeited and the order passed by the CLB dated 22 April, 2014 would be restored.

2 Learned counsel appearing on behalf of the Petitioner (original Respondent in appeal) submitted that admittedly Appellant No.2 has not complied with the terms of this order and is, therefore, guilty of contempt. On going through the said order, I find that the consequences of breach of the said order are also provided in the very same order. The said order clearly stipulates that if the amount of Rs.6 Crores is not paid by Appellant No.2 to the Respondent in the time frame set out therein, then the order of CLB shall continue to operate. The Respondents are at liberty to execute the order of CLB in view of the fact that Appellant No.2 has not made payment of the sum of Rs.6 Crores or any part thereof.

3 In this view of the matter, I do not find that this is a fit case to entertain this Contempt Petition.

4 Learned counsel appearing on behalf of the Petitioner,

however, submits that apart from violation of the order dated 14 August, 2014, the Respondents herein are also guilty of contempt of the order passed by this Court on 6 April, 2015, by making false/ misleading statements to this Hon'ble Court. I find that this violation and or contempt of the order dated 6 April, 2015 is not the subject matter of this present Contempt Petition. I, therefore, am unable to examine whether there has been any violation / contempt of this order. The Petitioner, if, is of the opinion that the Respondents herein are guilty of violating the order dated 6 April, 2015, they are liberty to initiate appropriate proceedings in that regard which will be decided on its own merits. I must clarify that I have not opined one way or the other on this issue. Reserving the right of the Petitioner herein to execute the order of CLB dated 22 April, 2014 before appropriate authority, this Contempt Petition is dismissed. No order as to costs.

(B. P. COLABAWALLA J.)