

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 19.12.2016

CORAM

THE HONOURABLE Mr.JUSTICE T.S.SIVAGNANAM

Contempt Petition No.1835 of 2016
and Sub Application Nos.333 & 335 of 2016

Bollineni Hillside Residential Township
Owners' Association,
Nookampalayam,
Perumbakkam Road,
Sithalapakkam Post,
Chennai-126.

.. Petitioner

Vs

Jayakrishnan,
Executive Officer,
BSCPL Infrastructure Limited,
Nookampalayam,
Perumbakkam Road,
Sithalapakkam Post,
Chennai-126.

.. Respondent

Contempt Petition filed under Section 11 of the
Contempt of Court Act, praying to punish the respondent
herein for the willful disobedience of the orders of the
Hon'ble Court in O.A.No.65 of 2016 dated 28.06.2016.

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For Petitioner : Mrs.Dakshayani Reddy
For Respondent : Mr.M.Baskar

O R D E R

This Contempt Petition has been filed for the

<https://hcservices.ecourts.gov.in/hcservices> willful disobedience on the part of the order and direction

dated 28.06.2016 passed in O.A.No.65 of 2016.

2. Heard Mrs.Dakshayini Reddy, learned counsel for the petitioner and Mr.M.Baskar, learned counsel for the respondent.

3. The said order is quoted herein below:

"1. Learned counsel for the respondent says that insofar as the present proceedings are concerned, the same can be disposed of on the following terms, without prejudice to the rights and contentions of the parties :

(i) That a sum of Rs.7,50,90,663/- would be paid to the applicant on or before 08.07.2016 ;

(ii) That a Bank Guarantee will be furnished in the sum of Rs.6,80,37,194/-, within a period of two weeks from today, in the name of the Registrar General of this Court and that the same shall abide by the final orders of the forum, where disputes between the parties are finally adjudicated upon. This is stated in the context of the fact that proceeding under Section 11 of the Arbitration and Conciliation Act, 1996, is pending adjudication, which is opposed by the respondent.

(iii) That for the disputed amount, (i.e., the sum claimed over and above the

amount, which is paid to the applicant), the applicant, would have liberty to approach the appropriate forum to agitate its claim.

(iv) That the respondent will be relieved of the burden of maintenance by 31.07.2016.

2. Counsel for the applicant is agreeable to the aforesaid offer made by the learned counsel for the respondent.

3. The captioned application is, accordingly, disposed of, on the agreed terms set out hereinabove.

4. At request, re-notify the application 'for reporting compliance' on 12.08.2016."

4. In terms of the above order, which appears to be a consent order in paragraph No.1, there are four conditions to be complied.

5. Learned counsel for the petitioner submits that condition No.(i) and (iv) have been complied.

6. The Contempt Petition is against non-compliance of condition No.(ii), which requires the respondent to

furnish a Bank Guarantee for a sum of Rs.6,80,37,194/-.

7. Learned counsel for the respondent has produced a copy of the Bank Guarantee issued by the Punjab National Bank, Bangalore in favour of the Registrar General, High Court, Madras for a sum of Rs.6,80,37,194/-.

8. Learned counsel for the petitioner submitted that in the order dated 29.07.2016, on which date, two demand drafts for a sum of Rs.7,50,90,663/- were handed over. There was a condition that the applicant cannot deal with the amount, till further orders of the court.

9. In the light of the order passed in the present Contempt Petition, this embargo, which placed on the petitioner, stands lifted and the amount could be dealt with in accordance with law.

10. The Bank Guarantee has now been given is for a period of one year. This Court is of the fond hope that that dispute between the parties would be resolved, well before the said date. If for any unforeseen circumstances, the dispute prolongs beyond one year, the respondent-promoter keep extend the Bank Guarantee and keep the same alive, till the conclusion of all disputes. The original Bank Guarantee to be handed over to the Registrar General today.

In view of the above, the Contempt Petition stands closed. Consequently, connected Sub Applications are closed.

SD/
JOINT REGISTRAR(OS)

gya

//Certified to be true copy//

Dated at Madras this the day of 2016.

COURT OFFICER(O.S.)

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SMI/CO/06/01/2017

To

1. Jayakrishnan,
Executive Officer,
BSCPL Infrastructure Limited,
Nookampalayam,
Perumbakkam Road,
Sithalapakkam Post,
Chennai-126.

2. The Registrar General,
High Court of Madras.

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