

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
107

COCP No. 1932 of 2016 (O&M)

Date of Decision: 10.08.2016

M/s Kashmir Apiaries Exports and others

.....PETITIONERS

VERSUS

Kamal Mehtani

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

PRESENT: Mr. Girish Agnihotri, Sr. Advocate,
with Mr. Ishaan Bhardwaj, Advocate,
for the petitioners.

AUGUSTINE GEORGE MASIH, J (ORAL)

In this contempt petition, it is stated that the respondent has issued a public notice for sale on 02.07.2016 (Annexure P-4), wherein he has not mentioned with regard to the pendency of CWP No. 11099 of 2016 or that it would be subject to the outcome of the writ petition. In fact, in the order dated 30.05.2016 (Annexure P-1) passed by this Court in CWP No. 11099 of 2016 titled as M/s Kashmir Apiaries Exports and others vs. Kotak Mahindra Bank, the Court had ordered that the auction may proceed but the sale, if any, shall not be confirmed till further orders. Learned senior counsel for the petitioners states that there is not a single word mentioned in the advertisement which would indicate the pendency of the writ petition or that the sale cannot be confirmed without the order passed by this Court. He, thus, contends that the respondent has rendered himself liable for initiating the contempt proceedings against him under the Contempt of

Courts Act, 1971 for having violated the directions issued by this Court on 30.05.2016 (Annexure P-1).

This contention of the learned senior counsel for the petitioners cannot be accepted merely on the ground that it has been mentioned in the advertisement that the confirmation of the sale will be at the discretion of the Bank. There is no direction issued by this Court that in the public notice/advertisement, which has to be issued, there should be a specific mention with regard to the pendency of the writ petition or that the auction would be confirmed only after the Court's direction to that effect. Unless and until the respondent proceeds to confirm the sale, no contempt would be made out as per the order dated 30.05.2016, referred to above.

In view of the above, finding no merit in the present contempt petition, the same stands dismissed.

(AUGUSTINE GEORGE MASIH)
JUDGE

August 10, 2016

pj

Whether speaking/reasoned: Yes

Whether Reportable: No