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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ CONT.CAS(C) 241/2014

M/S EUREKA FORBES LTD

..... Petitioner

Through: Mr. C. Mukund, Ms. Firdouse Qutb
Wani and Ms. Yaamini Sharma,
Advocates

versus

MAHESH GUPTA, CHAIRMAN OF KENT
RO SYSTEMS LIMITED & ANR

..... Respondents

Through: Mr. V.K. Gupta, Senior Advocate
with Ms. Ruchira Gupta, Advocate

CORAM:

HON'BLE MR. JUSTICE J.R. MIDHA

ORDER

% **04.03.2016**

1. The petitioner has invoked Section 11 of the Contempt of Courts Act for the alleged violation of the judgment and order dated 29th April, 2013 passed by this Court in CS(OS) 664/2010.
2. According to the petitioner, an article published in Asian Age newspaper on 02nd April, 2014 contains a disparaging remark about the petitioner which is in violation of the judgment and order dated 29th April, 2013.
3. Learned senior counsel for the respondents submits that the article does not contain any disparaging statement having been made by the respondents. It is further submitted that a sentence published in bold which reads as "*Kent is the market leader in RO technology, while Eureka Forbes sells predominantly UV water filters, which use old and comparatively unsafe technology*" are the views of the author of the article and it cannot be

attributed to the respondents.

4. This Court has gone through the copy of the article placed on record as Annexure P-4 in which the statements of the respondents are mentioned in inverted commas which does not carry any disparaging remarks against the petitioner. The sentence published in bold letters, reproduced above, is clearly the view/opinion of the author of the article and the same cannot be attributed to the respondents. No other disparaging statement or advertisement has been shown to be in violation of the judgment and order dated 29th April, 2013.
5. Learned counsel for the petitioner referred to the advertisement published by the respondents (Annexure P-5) to be in violation of the judgment and order dated 29th March, 2013. However, after some hearing, learned counsel for the petitioner conceded that the said advertisement (Annexure P-5) was subject matter of the suit which culminated in the judgment and decree and was prior to 29th April, 2013 and, therefore, it does not constitute a violation.
6. No case for contempt of the judgment and order dated 29th April, 2013 is made out.
7. The petition is, therefore, dismissed. The notice issued to the respondents is discharged.

J.R. MIDHA, J.

MARCH 04, 2016

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