

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
ORDINARY ORIGINAL CIVIL JURISDICTION**

**CONTEMPT PETITION NO.57 OF 2012  
IN  
SUIT NO.1758 OF 2011**

M/s. Atlanta Limited & Anr.

....Petitioners

Vs.

SREI Equipment Finance Pvt. Ltd. & Ors.

....Respondents

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Ms. Aparna Deokar i/by M.P. Vashi and Associates for the Petitioner.

Mr. Rohit R. Pandey i/by Dinesh Kumar Dubey for respondent No.1.

Mr. Sandesh Shukla a/w Mr. Santosh Sawant i/by Abhay Nevagi and Associates for respondent Nos.2, 3, 4 and 5.

**CORAM : K.R.SHRIRAM, J.**

**DATE : 22<sup>nd</sup> SEPTEMBER, 2017**

**P.C.:**

1. There were certain disputes going on between Petitioner and respondent no.1. Petitioner no.1 and respondent no.1 finally entered into Consent Terms, in which respondent no.1 gave an undertaking that it shall not file any proceedings or complaints against the petitioner no.1. It is the case of the Petitioners that respondent no.1 despite giving such undertaking, lodged a complaint with Credit Information Bureau (I) Ltd. (CIBIL) and based on that complaint, CIBIL classified the account of petitioner No.1 as 'sub standard and doubtful'. Therefore, counsel for Respondents have committed contempt of Court. Counsel also stated that

petitioner no.1 has independently filed a defamation suit, which is pending.

2. Respondents in their affidavit in reply has stated that if the Court comes to a conclusion that reporting to CIBIL, which was a statutory requirement, would amount to contempt of Court, then the respondents unconditionally apologize for the same. At the same time, it is also stated in the affidavit in reply that subsequently in August 2012 itself on the information provided by respondent No.1, CIBIL has corrected its ratings of petitioner no.1. CIBIL has corrected its record and classified the account of petitioner no.1 as 'standard'.

3. Counsel appearing for the respondents states that in view thereof even assuming the Court comes to a conclusion that the respondents have willfully breached an undertaking given to this Court and thereby committed contempt, the respondents should be considered as having purged the contempt.

4. Ms. Aparna Deokar, counsel appearing for the Petitioner agreed that the account of the Petitioner has been corrected to show as 'standard' in August 2012 itself.

5. In my view, having considered the facts and circumstances of the case and having heard the counsel, it will be a fit case to accept the respondents' explanation and dispose this petition. Petition accordingly disposed.

6. Ms. Deokar states that this order should not come in the way of defamation suit filed by the Plaintiff.

7. This is a Contempt Petition and the same is between the Court and the respondents. It is open to the Petitioner to independently prosecute the defamation suit and prove their claim in the trial. This Court has not made any observations with regard to that suit.

**(K.R. SHRIRAM, J.)**