

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

Amk

COMMERCIAL APPEAL (L) NO. 194 OF 2019
IN
CONTEMPT PETITION NO. 11 OF 2017
IN
COMMERCIAL ARBITRATION PETITION NO. 360 OF 2017

M/s. Gaurang Doshi & Ors. .. Appellants
Vs.
M/s. Scorg International Consulting Pvt. Ltd. .. Respondent

Mr. Kevic Setelwad, Sr. Advocate a/w. Mr. Sagar Ghogre i/b Govind Solanke for the Appellants.
Dr. Abhinav Chandrachud a/w. Ms. Krishna Kedia, Ms. Raksha Thakkar, Ms. Trisha mehta i/b Parinam Law Associates for the Respondent.

**CORAM : PRADEEP NANDRAJOG, C.J. &
N. M. JAMDAR, J.**
DATE : 10th JULY, 2019.

P. C. :

1. The challenge is to an order dated 25.10.2018 holding the 2nd Appellant guilty of contempt and as a result imposing sentence to undergo simple imprisonment for six months in civil prison for willfully breaching the order dated 20.06.2017 clarified on 07.03.2019. The 3rd Appellant, who is mother of 2nd Appellant, has been directed to pay fine in a sum of ₹ 2,000/-.

2. We propose not to note the background facts which led to the

passing of the impugned order except that the Respondent and 1st and 2nd Appellants appear to have acted fairly informally.

3. In proceeding initiated by the Respondent under Section 9 of the Arbitration and Conciliation Act, 1996 in which the 1st and 2nd Appellants were impleaded as Respondent Nos.1 and 2 an order was passed directing ₹ 1,25,11,111/- to be deposited in this Court.

4. The order was breached and contempt proceedings were initiated in which the 2nd Appellant has been convicted and sentenced to suffer simple imprisonment for a period of six months.

5. Learned Counsel for the 1st and 2nd Appellants tenders an unqualified apology, which we accept, because the apology tendered is with an undertaking by the 2nd Appellant that he would deposit ₹ 1,15,11,111/- with this Court. The reason being that ₹ 10,00,000/- have been directly paid to the Respondent by Appellant No.2.

6. We take on record the undertaking given orally to us by the learned Senior Counsel on instruction from the learned Counsel on record who in turn has been instructed by Appellant No.2 to given the undertaking. The undertaking is that ₹ 1,15,11,111/- shall be deposited by either of the Appellants in this Court within two months from today.

7. Binding the Appellants to the undertaking and directing the suspension of the impugned order for a period of two months; clarifying

that upon default the impugned order would be treated as final and the Appeal there-against being rejected shall become executable, the instant Appeal is disposed of permitting the Appellants to comply with their undertaking. We permit the Respondent to withdraw the amount of ₹ 1,15,11,111/- deposited by the Appellants without furnishing any security. Needless to state the amount would be adjusted in execution proceedings which are pending concerning the Award.

[N. M. JAMDAR, J.]

[CHIEF JUSTICE]