

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**ORDINARY ORIGINAL CIVIL JURISDICTION****CONTEMPT PETITION NO. 92 OF 2015
IN
CHAMBER SUMMONS NO. 1052 OF 2014
WITH
CHAMBER SUMMONS NO. 820 OF 2016
IN
EXECUTION APPLICATION NO. 561 OF 2014**

M/s. Twin Earth Pvt. Ltd. ... Petitioner

Versus

Rajiv Om Prakash Bhargava ... Respondent

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Mr. Gaurav Mehta a/w. Mr. Renjith Nair I/b Dhaval Vussonji and Associates for Petitioner.

Mr. Satish Agarwal for Respondent.

Mr. Rajiv Om Prakash Bhargava-Respondent present in Court.

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CORAM: K.R. Shriram, J.

DATE : 22nd February 2019.

PC :

. Heard the parties. Pursuant to order dated 8th February 2019, respondent has filed an additional affidavit affirmed on 11th February 2019, a copy of which has been served on Petitioner also.

Mr. Mehta having considered the additional affidavit dated 11th February 2019 states that the confusion happened because in the statement of disclosure, respondent disclosed 6800 shares of M/s. JSW Steel and it was assumed to be equity shares whereas it now appears that it was actually preference shares, value of which is much much lower than equity shares. At the same time, Mr. Mehta states that admittedly respondent is in breach of the order passed by this Court and has disposed of the shares and thereby has committed contempt of Court. Mr. Agarwal submitted that if there is a breach of Court's order passed by this Court, by the said breach, petitioner has not been put to any loss. Mr. Agarwal prays that leniency to be shown to Respondent particularly, because after that one incident in dispute respondent has not committed any further breach.

2. Having heard the learned counsel and having considered the affidavit, I have to conclude that respondent has in fact committed breach of the order passed by this Court. It is not the respondent's case either that it was a mistake on his part. It is respondent's case that decision to sell the shares in breach of the order was a conscious decision because that was his livelihood. Therefore, I hold the respondent guilty of contempt of Court. At the same time, having

considered the facts and circumstances of the case, in my view, interest of justice will be met if respondent is warned not to repeat this, warning to respondent not only is in this suit but shall extend to any other matter where the respondent may be a party. In case any breach is committed by respondent, it will be viewed very seriously and he will be dealt with seriously in accordance with law.

3. Petition is accordingly disposed.

(K.R. Shriram, J.)