

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.11.2019

CORAM

THE HONOURABLE MR.JUSTICE C.SARAVANAN

Cont.P. No. 1701 of 2019

M/s. Jagdeesh Food Packs Pvt. Ltd., (Borrower),
81 & 82, Industrial Estate,
Gajulamandyam, Tirupati,
Andhra Pradesh - 517 520.
Represented by its Managing Director ... Petitioner

Vs.

Ms. Shilpa Pophale,
Managing Director,
M/s. Electronica Finance Ltd.,
128/A, Kailashchandra,
Paud Road, Kothrud, Pune - 411 038.
Maharashtra, India.
And at
M/s. Electronica Finance Ltd.,
No.1167, 57th Avenue,
TVS Colony, Anna Nagar West Extension,
Chennai - 600 101. .. Respondent

Prayer: Contempt petition filed under Section 11 of Contempt of Court Act, 1971, to punish the Respondent for contempt of Court by deliberate wilful disobedience and violation of this Court order dated 26.10.2018 made in A. No. 6084 of 2018, on the file of this Court.

For Petitioner : Mr. Sirish Chowdhri
for M/s. S.T.M. Naidu and Co

For Respondent : Mr. Anand Johnson
for Mr. S. Namasivayam

ORDER

The Petitioner was the First Respondent in Application No. 6084 of 2018. By an order dated 26.10.2018, the Said Original Application was closed based on the submission of the learned counsel for the Petitioner/Contempt Petitioner. Paragraph (2) and (3), of the said order reads as follows:

"2. Today ie., 26.10.2018 when the case was taken up for hearing, the learned counsel for the respondents Mr. T. Harish Chowdhary appeared and submitted that the respondents have closed on the business and have no objection to hand over the machine to the applicant. He has also made an endorsement to that effect.

3. Recording the submission and in view of the endorsement made by the learned counsel for the respondents, this application is closed."

2. It is the contention of the learned counsel for the Petitioner/Contempt Petitioner that the Respondent has committed contempt of Court by violating the order passed on 26.10.2018. Prima facie, there is no contempt made out by the Petitioner. It is for the Respondent to take delivery of the machine. However, the Respondent had not taken delivery of the same. In case, the Respondent has any right to set off, it is for the Petitioner to workout

the remedy in the arbitration proceedings. Further it appears that the arbitrator have also passed an Award on 24.11.2018.

3. In view of the same, I do not find any reasons to proceed against the Respondent for contempt. Accordingly, this Contempt Petition is closed. No costs.

SD/-

ASSISTANT REGISTRAR (COMM.CASES)

arb

//Certified to be true copy//

Dated at Madras this the day of 2020.

COURT OFFICER (O.S.)

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SMI/20/01/2020

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