

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.03.2019

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

Contempt Petition No.2356 of 2018

M/s National Medicines Pvt.Ltd.,
rep. by its Director Mr.Kamal Chand Jain
No.9, Krishna Bai Street
T.Nagar
Chennai 600 017

.. Petitioner

-vs-

Shri.M.Rajesaker
Directorate of Enforcement
The Deputy Director
Chennai Zone Office-II
2nd and 3rd Floor
Murugesu Naicker Complex
No.84, Greaves Road
Chennai 600 006

.. Respondent

Petition under Section 11 of the Contempt of Courts Act, 1971 praying to punish the respondent for wilful disobedience of the order of this Court dated 30.07.2018 made in W.P.No.9588 of 2018.

For Petitioner :: Mr.N.Chandrasekaran
for M/s M.F.Shabana

For Respondent :: Mr.G.Rajagopalan
Additional Solicitor General
assisted by Ms.G.Hema
Special Public Prosecutor

ORDER

Mr.G.Rajagopalan, learned Additional Solicitor General for the contemnor pleaded that on 30.7.2018, when the writ petition was taken up for hearing, as Ms.G.Hema, learned Special Public Prosecutor representing the

juniors Ms.V.Keerthika, who is also not attending her office now, to attend the hearing and also to represent the matter. After the matter was over, she had not properly reported to her senior Ms.G.Hema, learned Special Public Prosecutor. In view of the communication gap and the non-communication of the order of stay granted by this Court on 30.7.2018 staying the provisional attachment order dated 26.2.2018, an order confirming the provisional attachment order was passed on 31.7.2018. Therefore, Mr.Rajagopalan fairly stated that the said order will not be given effect to, till a further order is passed on the pending vacate stay petition.

2. An affidavit also has been filed tendering unconditional apology for such an act by Mr.Rajesaker, who is serving as the Deputy Director in the Directorate of Enforcement, Chennai Zonal Office-II.

3. Recording the statement of the learned Additional Solicitor General and also the unconditional apology tendered by the contemnor in the affidavit dated 7.3.2019, taking note of the fact that both the order of stay granted by this Court on 30.7.2018 staying the provisional attachment order dated 26.2.2018 and the order confirming the provisional attachment order dated 31.7.2018 cannot go together, the respondent is directed not to give effect to the order dated 31.7.2018, till further orders. With this

observation, the contempt petition stands closed.

Registry is directed to list the Writ Petition No.9588 of 2018 before the appropriate Court, as per the roster, next week.

SD/-
ASSISTANT REGISTRAR (COMM.CASES)
ss
//Certified to be true copy//

Dated at Madras this the day of 2019.

COURT OFFICER (O.S.)

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Ss/29/04/2019

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