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Contempt Petition No.1564 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 09.07.2021

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THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

Contempt Petition No.1564 of 2019, C.M.P.No.7222 of 2020

&

Sub Application No.418 of 2019

Contempt Petition No.1564 of 2019 & Sub Application No.418 of 2019

Oil and Natural Gas Corporation
Karaikal Asset, Neravy Office Complex,
Karaikal – 609 604.

.. Petitioner

Vs

Mr.T.S.Das its Authorized Signatory,
ArkayEnergy [Rameswarm] Ltd.,
Having its registered Office at
6th floor, Sanpras Corporate Capital,
Survey No.115/1, Financial District,
Nanakramguda, Gachi Bowli,
Hyderabad – 500 032.

And its Branch Office at
No.20, [Old No.129], Chamiers Road,
Nandanam, Chennai – 600 035.

.. Respondent

Prayer:- Contempt Petition filed under Section 11 of the Contempt of Court Act praying to punish the respondent for committing Contempt of Court for wilful disobedience of Order of this Court in CRP.[PD] No.1110 of 2019 dated 26.04.2019 with exemplary costs.

For Petitioner : Mr.G.S.Vivekmani

For Respondent : Mr.M.S.Krishnan, SC

for Mr.Aniruth Krishnan



C.M.P.No.7222 of 2020

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ArkayEnergy [Rameswarm] Ltd.,
Having its registered Office at
6th floor, Sanpras Corporate Capital,
Survey No.115/1, Financial District,
Nanakramguda, Gachi Bowli,
Hyderabad – 500 032.

And its Branch Office at
No.20, [Old No.129], Chamiers Road,
Nandanam, Chennai – 600 035.

Represented by Mr.T.S.Das,
Its Authorised Signatory

.. Petitioner

Vs

Oil and Natural Gas Corporation,
Karaikal Asset, Neravy Office Complex,
Karaikal – 609 604.

.. Respondent

Petition filed Under Section 151 of Code of Civil Procedure, 1951 to
modify the Order dated 26.04.2019 passed by this Court in C.R.P.[PD] No.1110
of 2019.

For Petitioner : Mr.M.S.Krishnan, SC
for Mr.Aniruth Krishnan
For Respondent : Mr.G.S.Vivekmani
for M/s.Giridhar & Sai

ORDER

This Contempt Petition has been filed to punish the respondent for
violating the Order of this Court in C.R.P.No.1110 of 2019 and the other petition



has been filed by the respondent for modification of the earlier Order passed in

Civil Revision Petition.

2. It is relevant to mention that while passing the Order in C.R.P., this Court has directed the respondent in the Civil Revision Petition to extend the LC up to Rs.32 crores in LC No.20183291LC385.

3. Now the modification is sought to the effect that the respondent may be permitted to take new LC for Rs.3,61,75,021/- and allow the fixed deposit to the tune of Rs.10 crores as security.

4. It is further contended that originally LC has been broken due to the Orders of this Court a sum of Rs.10,22,22,531/- [Rupees ten crores twenty two lakhs, twenty two thousand five hundred and thirty only] which is in deposit in the bank account and the bank has lien on the same. Since the bank has addressed a letter dated 21.09.2019, admitting that a sum of Rs.10,22,22,531/- is in their deposit, they have lien over the same and the bank will act upon the directions of this Court. Therefore, the modification sought to the effect that the said amount also to be taken as security towards the bank guarantee originally Ordered by this Court.

5. The learned counsel for the contemnor in the contempt petition submitted that if such an Order is passed by this court, they have no grievance.



6. The main issue is with regard to the noncompliance of the Order of this Court, i.e., with regard to the extending the bank guarantee to Rs.32 crores.

7. Admittedly, the bank guarantee has been extended for Rs.18 crores and the same is not in dispute and the respondent in the contempt petition seeks permission to take bank guarantee for another sum of Rs.3,61,75,021/- in LC No.2018329ILC394, dated 20.09.2019.

8. In view of the same, the respondent has to give bank guarantee for remaining Rs.10 crores. Admittedly, the amount of the respondent is lying with the bank. The bank has also expressed to go as per the direction of this Court.

9. In such view of the matter, the amount [Rs.10,22,22,531/-] lying with the Karnataka Bank Ltd., Banjara Hills Branch, Plot No.50, Srinagar Colony, Road No.3, Banjara Hills, Hyderabad, Telangana in term deposit shall be kept in the interest bearing deposit and shall not be released by the bank till the proceedings of the arbitration is concluded and the bank shall act on the basis of the direction of the award or the decision of the Court.

10. In such view of the matter, no further Order is required in this petition.

11. Accordingly, this Contempt Petition is closed. Consequently, connected Sub Application is closed. The Registry is directed to communicate a copy of this Order to Chief Manager, Karnataka Bank Ltd., Banjara Hills



Contempt Petition No.1564 of 2019

Branch, Plot No.50, Srinagar Colony, Road No.3, Banjara Hills, Hyderabad,
Telangana.

12. Accordingly, Civil Miscellaneous Petition in CMP.No.7222 of 2020
is Ordered as prayed for.

SD/-
ASSISTANT REGISTRAR(COMM.CASES)

vrc

//Certified to be true copy//

Dated at Madras this the day of 2021.

COURT OFFICER(O.S.)
from 25th day of September 2008 the Registry is issuing Certified copies of the
Orders/Judgments/Decrees in this format.

GS/12/08/2021

To

The Chief Manager,
Karnataka Bank Ltd.,
Banjara Hills Branch,
Plot No.50, Srinagar Colony,
Road No.3, Banjara Hills,
Hyderabad, Telangana.