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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CONTEMPT PETITION NO. 166 OF 2021

The Candle Light
Company Private Limited

... Petitioner

vs.

Union Bank of India

... Respondents

Mr. Amrut Joshi a/w. Mr. Shaikh Yusuf Ali and Mr. Rushikesh S.
Munde i/b. M/s. Advani & Co. for the Petitioners.

CORAM : NITIN JAMDAR AND
GAURI GODSE, JJ.

DATE : 22 DECEMBER 2022

P.C. :

Heard learned counsel for the parties.

2. Though the Contempt Petition is filed by the Petitioner invoking provisions of Section 10 of the Contempt of Courts Act, 1971 on the premise that the Debt Recovery Tribunal is a court subordinate to this court, under the Contempt of Courts Act it is not necessary for us to enter into that arena at present.

3. The grievance of the Petitioner is that though various orders have been passed by the Debt Recovery Tribunal in favour of the Petitioner arising from the consent order passed by the Debt Recovery Tribunal dated 3 July 2013, the Respondent-bank which is bound by the consent terms is not acting on the same.

4. Learned counsel for the Petitioner points out that the Petitioner has thereafter filed application under Section 19(25) of the Recovery of Debts and Bankruptcy Act, 1993 and the Tribunal invoking this power has given directions to give effect to its own order. Learned counsel for the Petitioner submits that as against order dated 17 January 2014 Respondent-bank has filed Appeal in the Debt Recovery Tribunal and there is no interim order. Thereafter another order is passed by the Debt Recovery Tribunal on 20 June 2016, yet Respondent-Bank has not complied with the same.

5. The Act provides for such contingency under Section 19(25) and enjoins the tribunal to make such orders or to give such directions as may be necessary to give effect to its own order or to prevent abuse of its process and secure ends of justice. If the grievance of the Petitioner is correct that the Respondent-bank has not complied with the order passed by the Debt Recovery Tribunal and there is no interim order in the appeal, it is open to the Petitioner to bring this fact to the notice of the Appellate Tribunal

or the Debt Recovery Tribunal. If such an application is made by the Petitioner either the Debt Recovery Appellate Tribunal where the Appeal is stated to be pending or to the Debt Recovery Tribunal under Section 19(25), then after giving opportunity to the Respondent-bank the Tribunal/Appellate Tribunal as the case may be will pass an order on the above stated grievance of the Petitioner. If the Tribunal is of the opinion that it is not possible for it to implement its own order and if the Tribunal states so in its order then further course of action can be decided.

6. With these observations the Contempt Petition is disposed of. Since Respondent-bank is not before us, we have not deemed to have passed any observations on the merits.

(GAURI GODSE, J.)

(NITIN JAMDAR, J.)