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* IN THE HIGH COURT OF DELHI AT NEW DELHI

Date of decision:-16th October, 2023.

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CCP(CO.) 6/2015

NEWS 24 BROADCAST INDIA LIMITED Petitioner

Through: Mr. Harsh B. Buch, Advocate.

versus

YORK MEDIA SOLUTIONS PVT. LTD & ANR..... Respondents

Through: Mr. Mayank Agarwal, Advocate.

Ms. Mehak Nakra ASC (Civil),
GNCTD & Md Asif, Advocate for
SDM (M: 9650587959).

CORAM:

JUSTICE PRATHIBA M. SINGH

Prathiba M. Singh, J.(Oral)

1. This hearing has been done through hybrid mode.
2. The present contempt petition has been filed by the Petitioner under Section 12 of the Contempt of Courts Act, 1971 alleging wilful disobedience of order dated 27th May, 2014 passed in **CO.PET. 60/2013** titled **News 24 Broadcast India Ltd. v. York Media Solutions Pvt. Ltd.** As per the said order, the Company Petition was disposed of upon an undertaking of the Respondents to pay Rs.16 lacs to the Petitioner.
3. An undertaking has been given by Mr. Nitin Vashisht, the Managing Director of the Respondent-Company. The undertaking has been recorded by this Court vide order dated 28th May, 2014. The said order is extracted as under:

*“ Mr. Nitin Vashisht, Managing Director of the Respondent is present in Court and identified by Mr. Pushpendu Shukla, Advocate. **The respondent***



undertakes that the respondent shall pay a sum of Rs.16,00,000/- in full and final settlement of all claims of the petitioner in 16 instalments of Rs.1,00,000/- each commencing from 20.06.2014. The post dated cheques for 16 instalments shall be handed over to the petitioner on 20.06.2014. The undertaking is accepted.

Learned counsel for the petitioner submits that in view of the undertaking given by the respondent, the petitioner does not wish to press the present petition, however, subject to the right of the petitioner to seek revival of the petition and to initiate such other proceedings as may be prescribed under law for breach of undertaking.

The respondent has volunteered to pay a sum of Rs.10,000/- to the common pool of the Official Liquidator towards expenses incurred by the Official Liquidator within a period of four weeks. The statement is accepted.

In view of the above, the petition is dismissed as withdrawn reserving the liberty of the petitioner to seek revival of the petition and to initiate such other action as may be prescribed by law for breach of the undertaking by the respondent.

Petition is disposed of.

The order dated 27.01.2014 is recalled. The Official Liquidator stands discharged.”

4. Since Mr. Nitin Vashisht, the Managing Director of the Respondent-Company had failed to honour the undertaking, vide order dated 2nd December, 2015, his personal presence was directed by the Court. Pursuant thereto, bailable warrants were issued on several occasions including by orders dated 13th March, 2018 and 1st September, 2022.
5. On 5th April, 2023, Id. Counsel for Contemner No.2 - Mr. Nitin Vashisht, had appeared and said that he would present on the next date,



however, he was again not present. On 4th July, 2023, Mr. Nitin Vashisht, the Managing Director of the Respondent-Company appeared virtually before the Court and his statement was recorded which reads as under:-

“6. Today, Mr. Vashisht has appeared virtually before the Court. The Court has queried Mr. Nitin as to various aspects of the case and he has stated as under:

“I live in H-C/9 Canal Colony, Jamia Nagar, Okhla New Delhi 110025. I live there with my wife and my two-year-old child. My wife is a house maker. I used to work in advertising under the name of 'York Media Solutions Pvt. Ltd '. I used to work with channels like 'News 24 Broadcast India Limited'. Currently I am in the same field but without any trading name. I have a bank account in ICICI bank, Lajpat Nagar Branch and the account number is 071401506322. I earn my living on a commission basis. I had to get money from one other vendor for paying the Petitioner, but he did not give the money. A court case in respect of that payment is pending in Saket Court. I do not own any residential or commercial premises.”

6. After recording the statement of Mr. Vashisht, this Court passed various directions vide order dated 4th July, 2023. The relevant extract of the said order is set out below:

“7. From the submissions made by ld. Counsel for the Respondents as also by Mr. Nitin Vashisht, it is clear that there is no justifiable cause as to why he is not honouring the undertaking given on 27th May, 2014. Nine years have passed since the said undertaking was given. Even today, he is completely non-



committal and it is with enormous effort, as is clear from the record, that he is even entering appearance.

8. *As per the last order, Mr. Nitin Vashisht was to appear personally before the Court. He simply claims that he is unwell and, therefore, it appears that he is avoiding appearance before the Court.*

9. *Under such circumstances, prima facie, Mr. Nitin Vashisht is guilty of contempt. However, before taking any further action, two weeks' time is given to the Respondents to file a reply to the contempt, as a last opportunity.*

10. *The following directions are further issued:*

i. It is directed that Mr. Nitin Vashisht shall not leave Delhi till the next date of hearing.

ii. The SDM of the concerned area i.e., Jamia Nagar, Okhla New Delhi 110025 shall conduct an enquiry into the activities of Mr. Nitin Vashisht and his assets and his other details including family members etc., and place a comprehensive report on record by the next date of hearing.

iii. The General Manager of the ICICI Bank, Lajpat Nagar Branch shall file a complete statement of Mr. Vashisht's account bearing no. 071401506322 for the last ten years which would depict all the transactions which have been undertaken by him since 1st January, 2013 either in his own name or in the name of his company 'York Media Solutions Pvt. Ltd.'"

7. The Court came to the conclusion that Mr. Nitin Vashisht is prima facie guilty of contempt. Consequently, Mr. Vashisht was barred from leaving Delhi. The SDM was also directed to conduct an enquiry into his assets.



8. Today, it is submitted by both the Id. Counsel Mr. Harsh Buch and Mr. Mayank Aggarwal that the amount of Rs.8,75,000/- which is the outstanding amount, has now been received by the Petitioner from Mr. Nitin Vashisht, the Managing Director of the Respondent-Company and the said amount has been encashed on 6th September, 2023. Ms. Nakra, Id. Counsel has handed over the report to show that Mr. Nitin Vashisht, the Managing Director of the Respondent-Company was duly served theailable warrants.

9. The above facts would show that Mr. Nitin Vashisht, the Managing Director of the Respondent-Company has defied the undertaking given to the Court with complete brazenness as is evident from the facts and only when stringent directions were issued, he sought to be pay the amounts and honour the undertakings. Accordingly, it is directed that Mr. Vashisht shall deposit a sum of Rs.25,000/- with the Delhi High Court Legal Service Committee subject to which the contempt notice is discharged. The bank details of the DHCLSC are as under:-

<i>Name of the Bank:</i>	<i>UCO Bank.</i>
<i>Branch:</i>	<i>Delhi High Court.</i>
<i>Account No.</i>	<i>15530110008386</i>
<i>IFS Code:-</i>	<i>UCBA0001553</i>

10. The Petitioner does not wish to press the contempt petition any further.

11. The present contempt petition is disposed of, subject to the above deposit. All pending applications are disposed of.

PRATHIBA M. SINGH
JUDGE

OCTOBER 16, 2023/Mr/AM