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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CONT.CAS(C) 620/2022 and CM APPL. 61506/2023**
DTWELVE SPACES PRIVATE LIMITED AND ANR
.....Petitioners
Through: Mr. Karan Sinha, Adv.

versus

MS R GANAPATHY JANAKI & ORS.Respondents
Through: None.

CORAM:
HON'BLE MR. JUSTICE DHARMESH SHARMA

ORDER
14.08.2024

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1. This hearing is being conducted through hybrid mode.
2. The petitioners are seeking initiation of contempt proceedings against the respondents for the willful breach of the undertaking submitted by the counsel for the respondents, which was record in the order dated 06.09.2021 in O.M.P.(I)(COMM) 205/2021, under Section 9 of the Arbitration and Conciliation Act.
3. None appeared on behalf of the respondents, when the matter was called.
4. Evidently, the parties resolved their differences by way of the MoU dated 29.10.2021, which was accorded approval by the Court. The only issue was in regard to the re-payment/refund of the amount of Rs. 80 lacs to be paid by the respondents by way of installments as reflected in paragraph (03) of the order dated 06.09.2021.
5. The shorn of unnecessary details, the said undertaking given by the counsel was not complied with by the respondents. It appears that during the pendency of the present proceedings, a fresh MoU had been



arrived at between the parties, whereby the respondents agreed to make the total payment of Rs. 50 lacs towards full and final satisfaction of the claim of the petitioner.

6. In view of the fact that the parties have entered into a fresh MoU dated 15.03.2024, this afford afresh cause of action to the petitioner to seek appropriate remedies in law including filing of civil suit and commercial side or otherwise. The present contempt proceedings cannot be continued any further.

7. It is well settled that the jurisdiction under Section 11 and 12 of the Contempt of Courts, 1971 has to be exercised sparingly and in exceptional matters when there is unconscionable conduct on the part of the contemnor.

8. Hence, the present contempt petition is disposed of with liberty to the petitioner to file appropriate civil proceedings against the respondents in accordance with law.

DHARMESH SHARMA, J.

AUGUST 14, 2024

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