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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **CONT.CAS(C) 813/2022 & CM APPL. 33821/2022**

TEXZONE INFORMATION SERVICES PVT LTD ... Petitioner

Through: Ms. Shilpi Sinha, Mrs. Bindra Rana, Ms. Rima Majumdar, Mr. Aditya Vats Sharma, Advocates (M:9818202368)

versus

ANKUR GOEL & ORS. Respondents

Through: Mr. Sushil K. Tekriwal, Dr. Mamta Tekriwal, Advs. (M:9811108123,email:tekadvo@gmail.com)

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Date of Decision: 20th February, 2024

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

J U D G M E N T

MINI PUSHKARNA, J: (ORAL)

1. The present petition has been filed alleging disobedience of the order dated 06th July, 2022 passed by the Division Bench of this Court in *FAO (OS)(COMM) No. 161/2022*.

2. Learned counsel for petitioner submits that by way of the aforesaid order, settlement agreement between the parties had been recorded. It is submitted that as per the settlement between the parties, respondent no.1 was to place a standee at all the entry and exit points during the exhibition carried out by the respondent between 12th to 15th July, 2022 at Pragati Maidan. As per the said disclaimer, the following



words had to be written:

“IHF EXPO, DELHI IS AN INDEPENDENT ENTITY AND IS HAVING NO ASSOCIATION WHATSOEVER WITH HGH, INDIA”

3. Thus, learned counsel for petitioner submits that despite the aforesaid settlement between the parties, which was duly recorded in the order dated 06th July, 2022, the respondents did not put any display boards at any conspicuous place. He further relies upon an affidavit filed on behalf of petitioner's representative, Ms. Neelam Negi, which has been attached as *Annexure C-7* to the present petition, to contend that the petitioner's representative had duly visited the exhibition carried out by the respondents at Pragati Maidan on two days, i.e., 12th and 13th July, 2022.

4. Learned counsel for the petitioner submits that they have been conducting exhibition in different parts of the country since the year 2016.

5. It is submitted that the respondents were not displaying the requisite boards with disclaimer on both the aforesaid dates. Accordingly, the present contempt petition has been filed for non-compliance of the aforesaid order and settlement between the parties.

6. Per contra, learned counsel for respondents has drawn the attention of this Court to the various photographs that have been placed on record along with reply of the respondents. By referring to the photographs as filed before this Court, it is submitted that respondents had duly complied with the undertaking given by them and that they had displayed a board with the aforesaid disclaimer at various places,



including Entry and Exit of Pragati Maidan, place of registration and other places from where the said Board was visible in a conspicuous manner.

7. Learned counsel for respondents has further drawn the attention of this Court to various messages sent by the respondents to the petitioner herein, wherein the respondents had shared photographs of the display boards displayed by the respondents at their exhibition at Pragati Maidan. Thus, it is submitted that the order passed by this Court as well as the undertaking given by the respondents, have duly been complied with.

8. I have heard learned counsel for the parties and have perused the record.

9. At the outset, it would be fruitful to refer to the order dated 06th July, 2022 passed by the Division Bench of this Court in *FAO (OS)(COMM) No. 161/2022*, for compliance of which, the present petition has been filed. The order dated 06th July, 2022 reads as under:

*“1. The appellant has filed the present appeal against the order dated 02.06.2022 passed by the learned Single Judge in IA No.9185/2022 (under Order XXXIX Rules 1 & 2 of the Code of Civil Procedure, 1908) in CS(COMM) No.402/2022 captioned **Texzone Information Services Pvt. Ltd. v. Vision Communications & Anr.***

2. The order impugned in the present appeal is an ad-interim order and the said application is listed before the learned Single Judge on 26.09.2022.

3. The learned counsels appearing for the parties state that the parties have arrived at an interim arrangement in terms of the Consent Terms agreed between them, which will continue till 15.07.2022. They request that the present appeal be disposed of in terms of the interim arrangement arrived at between the parties.

4. In view of the above, the present appeal is disposed of. The parties will be bound by the Consent Terms, a copy of which has been handed



over in the Court and is taken on record.

5. It is clarified that this Court has not expressed any opinion on the merits of the disputes between the parties.”

10. A perusal of the aforesaid order clearly shows that during the pendency of the aforesaid appeal, parties entered into an interim arrangement in terms of the consent terms agreed between them which was to be continued till 15th July, 2022. The relevant portions of the consent terms agreed between the petitioner and the respondents herein, read as under:

“xxx xxx xxx

(v) Respondent No.1 will put a disclaimer i.e. ‘IHF EXPO, DELHI IS AN INDEPENDENT ENTITY AND IS HAVING NO ASSOCIATION WHATSOEVER WITH HGH, INDIA’ in letterings of equal prominence and font on the homepage of its website i.e. <https://ihfindiaexpo.com/>, on or before July, 07, 2022. The said disclaimer shall remain on Respondent No.1’s website till July 15, 2022.

(vi) Respondent No.1 will share a post stating ‘IHF EXPO, DELHI IS AN INDEPENDENT ENTITY AND IS HAVING NO ASSOCIATION WHATSOEVER WITH HGH, INDIA’ on its social media accounts on Facebook, Instagram, Twitter and LinkedIn on or before July 07, 2022.

(vii) Respondent No.1 will place a standee having a disclaimer i.e. ‘IHF EXPO, DELHI IS AN INDEPENDENT ENTITY AND IS HAVING NO ASSOCIATION WHATSOEVER WITH HGH, INDIA’ in a prominent font at all entry points/gates of its IHF Expo, 2022. The aforementioned standee shall remain on the entry points/gates on all the 4 days i.e. July 12-15, 2022, on which the IHF Expo is scheduled to be held.

xxx xxx xxx”

11. Perusal of the aforementioned consent terms shows that the respondent no.1 herein was to put a disclaimer, as aforesaid, to indicate



to the public at large that the respondents were an independent entity and having no association with the petitioner herein.

12. The respondents were also required to make the said disclaimer on their website as well as on their social media. Further, the respondent was also required to display the said disclaimer at the Entry/Exit points of the exhibition which was conducted by the respondents at Pragati Maidan, from 12th to 15th July, 2022.

13. This Court records the submissions made by learned counsel for the respondents that the respondent had duly displayed the disclaimer in terms of the consent terms between the parties, on its website as well as on various social media sites.

14. This Court also takes note of the various photographs that have been placed on record, which clearly show that the display boards containing the disclaimer in terms of the consent terms between the parties was duly displayed by the respondents at Registration Desk, at the entry of the exhibition, at the main gate of Pragati Maidan as well as at various other locations of the exhibition conducted by the respondents at Pragati Maidan, Delhi from 12th to 15th July, 2022.

15. This Court also notes the fact that the petitioner has never conducted any exhibition in Delhi. Though the petitioner is stated to have conducted its exhibition primarily in Mumbai and Noida, however, no exhibition has been ever carried out by the petitioner in Delhi.

16. This Court also records the submission made by learned counsel for respondents that both the petitioner as well as respondents are in the business of carrying out exhibitions. While the petitioner primarily operates from western parts of the country, the respondents put their



exhibitions in northern parts of the country, including Delhi.

17. Considering the aforesaid documents and submissions, it is clear that no contempt has been committed by the respondents of either the order dated 06th July, 2022 passed in *FAO (OS) (COMM) No. 161/2022* or the terms of consent entered between the parties.

18. It is to be noted that while dealing with contempt jurisdiction, this Court has to only see the substantial compliance between the parties. Once this Court is of the considered opinion that substantial compliance of the order has been done by a party, then no case for contempt is made out.

19. Thus, Supreme Court in the case of *Bihar State Government Secondary School Teacher Association Versus Ashok Kumar Sinha and Others, reported as (2014) 7 SCC 416* has held as under:

“xxx xxx xxx

24. At the outset, we may observe that we are conscious of the limits within which we can undertake the scrutiny of the steps taken by the respondents, in these contempt proceedings. The Court is supposed to adopt cautionary approach which would mean that if there is a substantial compliance with the directions given in the judgment, this Court is not supposed to go into the nitty-gritty of the various measures taken by the respondents. It is also correct that only if there is willful and contumacious disobedience of the orders, that the Court would take cognizance. Even when there are two equally consistent possibilities open to the Court, case of contempt is not made out. At the same time, it is permissible for the Court to examine as to whether the steps taken to purportedly comply with the directions of the judgment are in furtherance of its compliance or they tend to defeat the very purpose for which the directions were issued.

xxx xxx xxx”

20. In view of the aforesaid detailed discussion, no merit is found in



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the present petition. Accordingly, the present petition is dismissed along with pending application.

FEBRUARY 20, 2024

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MINI PUSHKARNA, J

Signature Not Verified

Digitally Signed By: CHARU
CHAUDHARY
Signing Date: 26.02.2024
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