



Arb.Application No.413 of 2023 in Arb.O.P.(Com.Div)No.350 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON: 28.01.2025

DELIVERED ON: 31.01.2025

THE HONOURABLE **MR.JUSTICE P.B.BALAJI**

Arb.Application No.413 of 2023
in Arb.O.P.(Com.Div.)No.350 of 2023

Pankaj Bohra

... Applicant

VS.

1.Sri Lakshmi Narasimha Productions,
Plot NO.64, Flat No.102,
Pavani Homes, Huda Enclave,
Jubilee Hills,
Hyderabad, Telangana-500033.

2.Annapurna Studios,
Road Number 2,
Banjara Hills, Hyderabad,
Telangana-500 034.

... Respondents

PRAYER: Arbitration Application filed under Order XIV Rule 8 of Original Side Rules read with Order XXXIX Rule 2A and Section 151 of Civil Procedure Code to punish the first respondent for their wilful disobedience of the order of this Court dated 28.04.2023 in O.A.No.149 of 2023.

For Petitioner : Mr.Arun.C.Mohan

For Respondents : Mr.V.Praveen Kumar
For R.1



Arb.Application No.413 of 2023 in Arb.O.P.(Com.Div)No.350 of 2023

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ORDER

The applicant has been taken out to punish the first respondent for wilful disobedience of the order of this Court dated 28.04.2023 in O.A.No.149 of 2023.

2. I have heard Mr.Arun C.Mohan, learned counsel for the applicant and Mr.V.Praveen Kumar, learned counsel for the first respondent.

3. In O.A.No.149 of 2023, the applicant, under Section 9 of the Arbitration and Conciliation Act, has sought for an interim injunction restraining the respondents, its men, agents or any person acting on their behalf from in any manner releasing, screening, distributing or exhibiting the movie by the first respondent.

4. On 28.04.2023, recording the undertaking of the first respondent that they would settle the outstanding amount due within a period of six months in three equal instalments, the order of injunction granted on 16.03.2023 was vacated and further direction was issued to the first respondent to pay Rs.50,00,000/-(Rupees Fifty lakhs only) by way of Demand Draft on or before 16.06.2023 towards the



first instalment.

5. Thereafter, on 13.07.2023, further time was sought by the first respondent for settling the claim of the applicant. Thereafter, on 27.07.2023, the second respondent was permitted to deal with the feature film “Chatrapati” in any manner the second respondent deemed it fit and proper and in and by the very same order, the first respondent was directed to appear in person before this Court.

6. On 10.08.2023, in compliance with the order of this Court dated 27.07.2023, the first respondent was present and sought for time to file an affidavit of undertaking regarding the balance amount payable to the applicant.

7. On 25.08.2023, this Court recorded the fact that despite several adjournments and the first respondent also seeking extension of time for settling the dues of the petitioner, none of his assurances have been fulfilled and directed the first respondent to pay substantial sum of money on or before 21.09.2023.

8. On 21.09.2023, a sum of Rs.15,00,000/-(Rupees Fifteen Lakhs only) was paid in part payment of the outstanding dues and thereafter also the matter has



Arb.Application No.413 of 2023 in Arb.O.P.(Com.Div)No.350 of 2023

been repeatedly adjourned on the request of the first respondent.

9. On 15.11.2023, the respondents in the above application represented that they intend to sell their property in Andhra Pradesh and it would be concluded in the first week of December 2023 and therefore the entire balance would be paid.

10. Even when the matter was listed on 14.12.2023, only a sum of Rs.15,00,000/- (Fifteen Lakhs) was paid by way of Demand Draft and further time was sought upto second week of January 2024 for clearing the balance.

11. After couple of adjournments, on 22.01.2024, the respondents paid a sum of Rs.5,00,000/- (Rupees Five lakhs only) and balance of Rs.1.28 crores is still outstanding.

12. On 19.02.2024, an affidavit of undertaking filed by the respondent to repay the said sum of Rs.1.28 crore in the following manner:-

(i) Rs.42,00,000/-(Rupees Forty Two lakhs only) on or before 15.04.2024

(ii)Rs.43,00,000/-(Rupees Forty three lakhs only) on or before 15.05.2024

and



Arb.Application No.413 of 2023 in Arb.O.P.(Com.Div)No.350 of 2023

(iii)Rs.43,00,000/- (Rupees Forty three lakhs only) on or before 15.06.2024

was recorded and the matter was adjourned to 17.04.2024 for compliance.

13. On 23.04.2024, this Court noted that the first instalment has not been paid as undertaken and instead, the respondents brought Demand Draft for Rs.15,00,000/-(Rupees Fifty lakhs only) and the balance of Rs.27,00,000/-(Rupees Twenty seven lakhs only) was directed to be paid on or before 30.04.2024.

14. Even on 30.04.2024, the amount was not paid and hence this Court, again directed the first respondent to appear in person on 10.06.2024.

15. Finding that the order was not complied with on 10.06.2024, this Court posted the matter on 18.06.2024 for further orders.

16. On 18.06.2024, on the request of the first respondent, expressing that they are ready to transfer the properties in the name of the applicant to reduce their liability, the matter was adjourned to 19.06.2024.

17. On 19.06.2024, the matter was again adjourned to 08.07.2024 to enable



Arb.Application No.413 of 2023 in Arb.O.P.(Com.Div)No.350 of 2023

the first respondent to verify the details of the assets including the value of the properties.

18. On 31.07.2024, the first respondent submits that they are willing to mortgage the title deed of their property having market value of a sum of Rs.8 Crores. Therefore, the first respondent was directed to deposit the original title deed of their property and the matter was posted on 07.08.2024.

19. On 07.08.2024, the matter was adjourned to 09.08.2024 and again to 14.08.2024, at the request of the learned counsel for the respondents.

20. However, on 14.08.2024, there was no representation on the side of the respondents and therefore, the matter was directed to be listed on 22.08.2024.

21. On 2.08.2024, at the request of the learned counsel for the respondents, the matter was adjourned to 23.08.2024.

22. On 13.09.2024, this Court finding that the respondents had failed to honour their commitment and violated the direction issued by this Court on



Arb.Application No.413 of 2023 in Arb.O.P.(Com.Div)No.350 of 2023

28.04.2023, called upon the first respondent to explain why *suo motu* contempt should not be initiated against the first respondent for abusing the process of Court by making the false statement in getting the order vacated.

23. Thereafter, when the matter was taken on 15.10.2024, this Court directed the respondent to pay a sum of Rs.50,00,000/-(Rupees fifty lakhs only) to the applicant on or before 29.10.2024.

24. On 29.10.2024, only a sum of Rs.10,00,000/-(Rupees ten lakhs only) was paid by way of Demand Draft and for payment of R.40,00,000/-(Rupees Forty Lakhs only), time was extended till 05.11.2024.

25. On 12.11.2024, a sum of Rs.50,00,000/-(Rupees fifty lakhs only) was paid by way of Demand Draft and the respondents sought time to file an affidavit giving the schedule of outer time limit for the balance amount of Rs.90,00,000/-(Rupees Ninety lakhs only),

26. Thereafter, the matter was listed before me on 02.12.2024. On



02.12.2024, learned counsel for the respondent has filed an affidavit, undertaking to pay the entire balance amount of Rs.90,00,000/- on or before 31.01.2025.

27. Learned counsel for the applicant submitted that the dues to the applicant is Rs.92,00,000/-(Rupees Ninety two lakhs only) and not Rs.90,00,000/-.

28. Considering the trajectory of the matter, I directed the respondent to pay a sum of Rs.45,00,000/-(Rupees Forty five lakhs only) on or before 02.01.2025 and the remaining sum of Rs.47,00,000/-(Rupees Forty seven lakhs only) on or before 31.01.2025 and directed to list the matter on 06.01.2025.

29. When the matter was called on 06.01.2025 for reporting compliance, learned counsel for the respondent submits that a first instalment of Rs.50,00,000/-(Rupees Fifty lakhs only) would be paid on or before 20.01.2025, instead of Rs.45,00,000/-(Rupees Forty five lakhs) as ordered by this Court on 02.12.2024 and the remaining sum of Rs.42,00,000/-(Rupees Forty two lakhs only) would be paid on or before 31.01.2025.

30. However, on 21.01.2025, when the matter was called for reporting



Arb.Application No.413 of 2023 in Arb.O.P.(Com.Div)No.350 of 2023

compliance of the payment of Rs.50,00,000/-, learned counsel for the respondent again sought for time stating that the entire amount of Rs.92,00,000/-(Rupees Ninety two lakhs only) would be paid on or before 31.01.2025.

31. Rejecting the said request, I directed the respondent to pay the 50% of the total amount of Rs.92,00,000/- on or before 27.01.2025 and posted the matter today (28.01.2025) for compliance.

32. Despite several indulgences granted to the respondent, there has been total disregard not only for the several undertakings given by the respondent himself before this Court but also to the several orders passed by this Court. Even today, learned counsel for the respondent submits that he would be settling the claim of the applicant shortly.

33. There is no proper and justifiable explanation for not making the payments as directed by this Court, not once, but, on several occasions. The first respondent has had the benefit of vacating the interim order, on the promise that the entire amounts due to the applicant would be settled within a period of six months in three equal monthly instalments. The said order was passed on



28.04.2023. Today, we are in the fag end of January 2025.

34. I have already narrated the various orders passed by this Court and the conduct of respondents, merely seeking time for payment of money for settling the dues, having took the advantage of the interim order being vacated. I find that there has been wilful disobedience on the part of the respondent and he has clearly gone back on his affidavit of undertaking, leave alone, breaching and violating the orders of this Court.

35. The above application is filed only to punish the first respondent for wilful disobedience of the order of this Court. Firstly, the Applicant had to give up his right, secured by way of an interim order, on the promise made by the first respondent that the amount would be settled within a period of six months. Secondly, the first respondent has released the movie in theaters as early as on 12.05.2023 and having taken the advantage of the interim order being vacated, the first respondent has failed to honour his undertaking made before this Court. Therefore, it is a clear case of wilful disobedience of the order dated 28.04.2023 and the first respondent has rendered himself liable to be punished.



Arb.Application No.413 of 2023 in Arb.O.P.(Com.Div)No.350 of 2023

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36. Accordingly, the first respondent is clearly guilty of contempt of Court in respect of the undertaking given before this Court and imposition of even the maximum fine of Rs.2,000/- would be grossly insufficient in the facts and circumstances of the case. The first respondent is only a Sole Proprietary concern of Mr.Sai Srinivas Bellam Konda.

37. Therefore, I deem it fit and proper to punish **Mr.Sai Srinivas Bellam Konda**, the Sole Proprietor of the first respondent with simple imprisonment for a period of 10 days (ten days) and fine of Rs.2,000/-.

38. In the result, ArbAppln.No.413 of 2023 is allowed and the first respondent is punished with simple imprisonment for a period of 10 days (ten days) and a fine of Rs.2,000/-.

31.01.2025

SR

Index : Yes / No

Internet : Yes / No



Arb.Application No.413 of 2023 in Arb.O.P.(Com.Div)No.350 of 2023

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The Commissioner of Police,
Telengana District



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Arb.Application No.413 of 2023 in Arb.O.P.(Com.Div)No.350 of 2023

P.BALAJI,J.,

SR

Pre-Delivery Order in
Arb.Appln.No.413 of 2023 in Arb.O.P.(Com.Div.)No.350 of 2023

31.01.2025