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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CONT.APP.(C) 17/2025, CM APPLs. 47915/2025 & 47916/2025**

M/S BDS BRAND SOLUTIONS & ANR.

.....Appellants

Through: Mr. Saurabh Kirpal, Sr. Adv. with Mr. Pankaj Mehta, Ms. Shweta Soni, Ms. Akansha Singh, Mr. Apaar Puri and Mr. Rajat Choudhary, Advs.

versus

M/S A2 MEDIA WORKS & ORS.

.....Respondents

Through: None.

CORAM:

JUSTICE PRATHIBA M. SINGH

JUSTICE SHAIL JAIN

ORDER

% **06.08.2025**

1. This hearing has been done through hybrid mode.
2. The present appeal has been filed by the Appellant under Section 19 of the Contempt of Courts Act, 1971, *inter alia*, assailing the order dated 18th July, 2025 (hereinafter, '*impugned order*') passed by the Id. Single Judge of this Court in **CONT.CAS(C) 1369/2023** titled '**M/S A2 Media Works Through its Director, Mr. Ajay Anthony v. M/S BDS Brand Solutions & Ors.**'
3. *Vide* the impugned order, some directions have been passed in a contempt petition being **CONT.CAS(C) 1369/2023** to the following effect:

"1. Counsel for respondent, Mr Pankaj Mehta, requests for a deferment on the ground that the main counsel is not present and also states that they are challenging the settlement which has been arrived at, of which compliance is sought.



2. It is rather astonishing that a settlement agreement arrived at between the parties before the Mediation Centre, Saket Courts, Delhi on 8th June 2022 is now sought to be challenged after 3 years of settlement and after 2 years of contempt petition being filed.

3. Moreover, counsel for petitioner points out to communication dated 23rd August 2023 sent to an officer of petitioner, namely Mr. S N Kalra, stating that : “I am earnestly requesting you to wait till 31st August of this month before going ahead and filing this contempt petition as I intend to clear some payment by this time. I am requesting Mr. Ajay Anthony through your good self to please accept this final request.”

4. This was in response to a communication of the same date sent by petitioner, stating that they are filing a fresh contempt petition against the respondent.

5. A response affidavit may be filed by petitioner, placing on record this communication and any other communication in support of their point.

6. Currently, there is no adverse order by any Court setting aside the settlement, and this petition has been subsisting on the Board for the last two years. There is no reason why respondent is not obliged to comply with terms of settlement.

7. Accordingly, compliances be made within next 8 weeks as an outside time. Respondent no.2 shall remain present in the Court on the next date.

8. It is evident that this issue of challenging the settlement was never made before this Court previously, despite multiple dates in this matter.

9. List on 6th November 2025.

10. Order be uploaded on the website of this Court.”

4. The said contempt petition arises out of the settlement agreement dated 8th June, 2022 which is alleged to have been violated by the Appellant herein. The apprehension expressed by Mr. Kirpal, Id. Sr. Counsel is that the Court has held the Appellant guilty of contempt without giving any finding in this regard.



5. The Court has considered the matter. A perusal of the impugned order would show that the direction given in the said order is for compliances to be made within eight weeks in terms of the settlement agreement and the communication dated 23rd August, 2023. Such an order would not be an appealable order under Section 19 of the Contempt of Courts Act, 1971.

6. In view of the settled legal position as captured in **Ajay Kumar Bhalla v. Prakash Kumar Dixit, 2024 SCC OnLine SC 1874** as also in **Midnapore Peoples' Coop. Bank Ltd. v. Chunilal Nanda, (2006) 5 SCC 399**, the present appeal would not be maintainable. The relevant portion of the decision in **Ajay Kumar Bhalla (Supra)** reads as under:

“13. The law on the subject is settled by a judgment of a two Judge Bench of this Court in Midnapore Peoples' Coop. Bank Ltd. v. Chunilal Nanda¹. Paragraph 11 of the decision sums up the principles succinctly as follows:

“11. The position emerging from these decisions, in regard to appeals against orders in contempt proceedings may be summarised thus:

I. An appeal under Section 19 is maintainable only against an order or decision of the High Court passed in exercise of its jurisdiction to punish for contempt, that is, an order imposing punishment for contempt.

II. Neither an order declining to initiate proceedings for contempt, nor an order initiating proceedings for contempt nor an order dropping the proceedings for contempt nor an order acquitting or exonerating the contemnor, is appealable under Section 19 of



the CC Act. In special circumstances, they may be open to challenge under Article 136 of the Constitution.

III. In a proceeding for contempt, the High Court can decide whether any contempt of court has been committed, and if so, what should be the punishment and matters incidental thereto. In such a proceeding, it is not appropriate to adjudicate or decide any issue relating to the merits of the dispute between the parties.

IV. Any direction issued or decision made by the High Court on the merits of a dispute between the parties, will not be in the exercise of “jurisdiction to punish for contempt” and, therefore, not appealable under Section 19 of the CC Act. The only exception is where such direction or decision is incidental to or inextricably connected with the order punishing for contempt, in which event the appeal under Section 19 of the Act, can also encompass the incidental or inextricably connected directions.

V. If the High Court, for whatsoever reason, decides an issue or makes any direction, relating to the merits of the dispute between the parties, in a contempt proceedings, the aggrieved person is not without remedy. Such an order is open to challenge in an intra-court appeal (if the order was of a learned Single Judge and there is a provision for an intra-court appeal), or by seeking special leave to



appeal under Article 136 of the Constitution of India (in other cases).

The first point is answered accordingly.

14. Following the decision in Midnapore Peoples' Coop. Bank Ltd., it is a settled principle that an appeal under Section 19 lies only against an order imposing punishment for contempt.”

7. The present appeal is, therefore, being rejected only on the ground of maintainability. The court has not considered the merits of the matter and all rights and remedies are left open. Pending applications, if any, are also disposed of.

PRATHIBA M. SINGH, J.

SHAIL JAIN, J.

AUGUST 6, 2025
dj/ck