

A URBAN INFRASTRUCTURE REAL ESTATE FUND

v.

DHARMESH S. JAIN AND ANOTHER

(Contempt Petition(civil) No.940/2021)

B In

Miscellaneous Application No.1668/2021

In

Special Leave Petition (civil) No.14724/2021

C MAY 12, 2022

**[M. R. SHAH AND B. V. NAGARATHNA, JJ.]**

- Contempt of Courts Act, 1971 – Wilful disobedience of Court orders – Respondents / contemnors, more particularly, respondent no.1, were held guilty for wilful disobedience of the orders passed by Supreme Court as well as the High Court and they were held liable to be punished suitably under provisions of the Contempt of Courts Act – Even thereafter sufficient opportunities were given to respondents / contemnors to either comply with the orders of Supreme Court and the High Court, or to settle the dispute amicably with the petitioner – Respondents/contemnors neither complied with such orders of the Supreme Court and the High Court nor was the dispute settled – In the circumstances, Respondent no.1 now sentenced by the Supreme Court to undergo seven days simple imprisonment – Fine imposed on both respondents, to be deposited before the High Court within two weeks – However, so as to give one last opportunity to the contemnor to purge the contempt and comply with the orders passed by the High Court as well as the Supreme Court, the sentence imposed shall be kept in abeyance for two weeks, failing which, such sentence shall take effect and on non-compliance, respondent No.1 will then surrender before the concerned Court / Authority to undergo the sentence of seven days simple imprisonment as imposed by the Supreme Court – Sentence / Sentencing.*

INHERENT JURISDICTION : Contempt Petition (Civil) No. 940 of 2021.

H In

Miscellaneous Application No.1668 of 2021 A

In

Special Leave Petition (Civil) No.14724 of 2021

From the Judgment and Order dated 28.10.2021 of this Court and dated 08.08.2019 of the High Court of Judicature at Bombay in Notice of Motion No.960 of 2019 in Commercial Arbitration Petition No.55 of 2019. B

Puneet Singh Bindra, Ms. Simran Jeet, Sanampreet Singh, Advs. for the Petitioner.

Vikas Singh, Sr. Adv., Kunal Vajani, Ashok Paranjpe, Kunal C Mimani, Shubhang Tandon, Advs. for the Respondents.

The Order of the Court was passed

**M. R. SHAH, J.**

1. Vide detailed judgment and order dated 10.03.2022 passed in D the aforesaid Contempt Petition, this Court held the respondents guilty, more particularly, respondent No.1 herein – Dharmesh S. Jain, for the contempt of this Court for wilful disobedience of the order dated 28.10.2021 passed by this Court in Miscellaneous Application No. 1668 of 2021 in Special Leave Petition (Civil) No. 14724/2021, as also, for wilful disobedience of the order passed by the High Court dated 08.08.2019 in Notice of Motion No. 960 of 2019 in Commercial Arbitration Petition No. 55 of 2019 and the respondents herein rendered themselves liable for suitable punishment under the provisions of the Contempt of Courts Act. By the aforesaid judgment and order dated 10.03.2022, the respondents/contemnors were required to be heard on the quantum of sentence. Accordingly, on 22.03.2022, the matter was placed before the Bench for further hearing on the quantum of sentence. E F

2. We have heard Shri Vikas Singh, learned Senior Advocate appearing on behalf of the contemnors on the quantum of sentence. However, at his request, the order on the quantum of sentence was deferred, so as to enable the respondents/contemnors to either enter into an amicable settlement with the petitioner or to comply with the orders passed by this Court and the High Court, of which they are held guilty for wilful disobedience. G

H

- A        3. Thereafter, Shri Vikas Singh, learned counsel appearing on behalf of the respondents/contemnors was called upon by the Court with regard to the latest developments which might have a bearing on the imposing of a suitable sentence. Shri Vikas Singh, learned counsel appearing on behalf of the respondents/contemnors stated at the Bar that though the respondents/contemnors have tried to settle the dispute amicably with the petitioner, but there is no final settlement arrived at between the parties. The fact remains that even after the respondents are held guilty for wilful disobedience of the orders passed by this Court as well as the High Court vide judgment and order dated 10.03.2022, and even thereafter giving sufficient opportunities to the respondents/contemnors to either
- B        comply with the orders of this Court and the High Court, of which wilful disobedience is proved and they are held liable to be punished suitably under the provisions of the Contempt of Courts Act, or to settle the dispute amicably with the petitioner herein, neither the respondents/contemnors have complied with the orders passed by this Court as well as the High Court nor have they settled the dispute amicably.
- D        4. In the above circumstances and in furtherance of our earlier judgment and order dated 10.03.2022 whereby the respondents, more particularly, respondent no.1 has been held guilty for wilful disobedience of the order passed by this Court dated 28.10.2021 in Miscellaneous Application No. 1668 of 2021 in Special Leave Petition (Civil) No. 14724/2021, as also, the order passed by the High Court dated 08.08.2019 in Notice of Motion No. 960/2019 in Commercial Arbitration Petition No. 55/2019 and rendered himself liable for suitable punishment under the provisions of the Contempt of Courts Act and even thereafter granting them sufficient opportunities to either settle the dispute amicably or
- F        comply with the orders of this Court and the High Court, neither the orders have been complied with nor the dispute has been settled amicably, we hereby sentence respondent No.1 – Dharmesh S. Jain to undergo seven days simple imprisonment, as also, impose a fine on both the respondents, which is quantified as Rs. 5,00,000/- (rupees five lakhs), to be deposited before the High Court of Judicature at Bombay within a period of two weeks from today and on such deposit, Rs. 4,00,000/- (rupees four lakhs) be paid to the petitioner herein and Rs. 1,00,000/- (rupees one lakh) be transferred to the Maharashtra State Legal Services Authority. However, so as to give one last opportunity to the contemnor to purge the contempt and comply with the orders passed by the Bombay
- H        High Court as well as this Court, it is observed that the aforesaid sentence

shall be kept in abeyance for a period of two weeks from today, failing which, the aforesaid sentence shall take effect and on non-compliance, the respondent No.1 herein – Dharmesh S. Jain will then surrender before the concerned Court/Authority to undergo the sentence imposed by this Court, i.e., seven days simple imprisonment for a wilful disobedience of the orders passed by this Court and the High Court.

5. The present contempt petition stands disposed of in the aforesaid terms.

Bibhuti Bhushan Bose

Petition disposed of.