

P.Parvathi vs Leela Samson on 6 June, 2011

Author: P.Jyothimani

Bench: P.Jyothimani

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 6.6.2011

CORAM:

THE HONOURABLE MR.JUSTICE P.JYOTHIMANI

Contempt Petition No.143 of 2011

1.P.Parvathi

2.A.Lakshmi

3.S.Saraswathy

4.P.Nandhini

5.Minor P.Nethra
D/o.S.Paramaguru
rep. by her mother and
natural guardian, P.Nandhini

6.S.Venkatasubramanian

.. Petitioners

Vs.
Leela Samson
Director, Kalakshetra Foundation
Kalakshetra Road, Besant Nagar
Chennai 600 090.

.. Respondent

PRAYER : Petition under Section 11 of the Contempt of Courts Act praying to punish the r

For Petitioners :	Mr.G.Masilamani, Sr.Counsel for M/s.Sathish Parasaran
For Respondent :	Mr.Arvind P.Datar, Sr.Counsel for M/s.B.N.Suchindran

ORDER

The contempt complained of is in respect of the order passed by this Court dated 12.12.2007 in M.P.No.1 of 2007 in W.P.No.36902 of 2007.

2.1. In the writ petition filed by the petitioners herein, they have sought a direction against the second respondent in the writ petition, viz., the Tahsildar, Mylapore Triplicane Taluk, Mylapore, Chennai 600 004, to sub-divide and demarcate the lands situated in T.S.No.1 in Block No.58, Tiruvanmiyur Village, Chennai District and issue a separate patta in respect of lands stated to be belonging to the petitioners admeasuring 21.12 Acres in Old Survey No.179/2 in T.S.No.1 in Block No.58, Tiruvanmiyur Village, Chennai District.

2.2. Pending the said writ petition, the petitioners have also moved a petition in M.P.No.1 of 2007 praying for an injunction against the third respondent in the writ petition, who is the sole respondent herein, from in any manner putting up any construction whatsoever in Survey No.179/2, T.S.No.1, Block No.58, Thiruvanmiyur Village, Chennai District pending disposal of the writ petition. This Court has passed the following order on 12.12.2007:

"The 3rd respondent to maintain the status quo in respect of Survey No.179/2, T.S.No.1, Block No.58, Thiruvanmiyur Village, Chennai District. Notice."

and the writ petition is still pending.

2.3. It is stated that immediately after the order was passed, the petitioners have issued a letter to the respondent on 12.12.2007, through their counsel, intimating about the order of status-quo. However, according to the petitioners, in the month of September, 2008, they have noticed that construction activity was carried out by the respondent in the said land which is the subject matter of the writ petition, in violation of the order of status-quo. Thereafter, the petitioners have informed the respondent about the order of status-quo stating that the respondent should not proceed further.

2.4. According to the petitioners, after passing of the interim order on 12.12.2007, three permanent buildings have been put up in the said land. That apart, after the status-quo order, the respondent has demolished the existing auditorium with a tiled roof without permission for demolition from the local authority and a new construction has also been carried out without valid approval.

2.5. It is stated that in spite of the order of status-quo, the respondent has carried out the following works: (i) constructed two guest houses on the north west corner of the subject land in S.No.179/2; (ii) one extension of a dining hall was constructed on the north eastern side of the subject land in S.No.179/2; (iii) created a new pond under the name and style of 'Padma Pushkarni' on the south eastern side of the subject land; and (iv) demolished and reconstructed the existing auditorium in the subject land, apart from excess dumping of debris and earth and leveling of a major portion of land by cutting down age old trees and creating an exhibition space with thatched roof counters for holding exhibition. Therefore, the petitioners have addressed a letter to the Assistant Commissioner

of Corporation of Chennai drawing his attention to the said unauthorised constructions and the Corporation of Chennai, on inspection of the site on 20.9.2010, has issued a stop work notice.

2.6. Another letter was addressed by the petitioners to the Public Information Officer, Corporation of Chennai seeking details under the Right to Information Act, 2005 in respect of the action taken by the enforcing authorities on the stop work notice. In response to that, the Public Information Officer of the Corporation has issued a letter dated 11.1.2011 informing that the Corporation has not given any planning permission to the respondent for the said construction and already stop work notice and demolition notice dated 20.9.2010 and 14.12.2010 respectively have also been issued, providing copies of the said notices to the petitioners.

2.7. Hence, according to the petitioners, the respondent having known about the order of status-quo has disobeyed the order and therefore, the present contempt petition is filed for punishing the respondent for the contempt committed against the interim order passed by this Court.

3. This Court, by an order dated 2.2.2011, has issued a statutory notice, pursuant to which the respondent has appeared and her presence was dispensed with.

4.1. In the counter affidavit filed by the respondent, it is stated that the filing of the contempt petition against the respondent Director of Kalakshetra Foundation, which is designated as an Institute of National Importance by the Government of India, is an abuse of process of law and the same is not maintainable.

4.2. It is stated that while filing the contempt petition complaining violation of the order of this Court dated 12.12.2007, the petitioners have deliberately suppressed that the said order was subsequently modified on 17.12.2008 and on that score the contempt petition has to be dismissed. According to the respondent, by virtue of the subsequent order dated 17.12.2008, the order dated 12.12.2007 got merged with the order dated 17.12.2008.

4.3. It is also stated that there is no averment in the affidavit filed by the petitioners that within one year from the date of the order the contempt has been committed as contemplated under Section 20 of the Contempt of Courts Act, 1971.

4.4. It is stated that by the modified order dated 17.12.2008, this Court has permitted the respondent to make repair works in the disputed building, but did not permit any new construction till disposal of the writ petition, and, according to the respondent, non bringing of the said order dated 17.12.2008 to the knowledge of this Court is a material suppression and the petitioners are liable for severe strictures for the same.

4.5. According to the respondent, there is no wilful disobedience of the order of the Court and only repair work has been done in the disputed land as permitted in the order dated 17.12.2008. According to her, it is false to state that three new buildings have been put up, especially when no details have been given by the petitioners. It is stated that the existing roofs have not been demolished and only the tiles have been re-laid as permitted by order dated 17.12.2008.

4.6. It is stated that no guest houses have been constructed and the only guest house in the campus was 'Upasika' constructed by the CPWD before 2005 and only modification and refurbishing of the kitchen was done in 2006 and no new dining hall was constructed. It is also stated that there is no new pond that has been made and the water body known as 'Padma Pushkarni' is already in existence from 1950 and in order to comply with the mandate of the Government of India for rain water harvesting as well as conservation of natural water sources, the pond was repaved to ensure conservation and prevent pollution. The existing auditorium has been renovated and no new auditorium has been constructed and the dumping of debris done is only in connection with the renovation work and no leveling has been done and therefore, there is no substance in the contempt and the contempt is an abuse of process of law.

5.1. In the reply affidavit filed by the sixth petitioner, it is stated that even in the modified order dated 17.12.2008, the respondent has not been permitted to put up any new construction and it was only for the purpose of carrying out repair works. It is stated that the non mentioning of the order dated 17.12.2008 is not wilful and it was a bonafide mistake, since it was felt that even by the order dated 17.12.2008 what was permitted was only to effect repairs and on the other hand, the conduct complained of on the part of the respondent is relating to putting up new construction and demolition.

5.2. According to the petitioners, the very purpose of granting permission for repair was that the compound wall on the northern side of the land was partly broken due to rainfall and on the other hand, there has been a demolition of auditorium and construction activity has been done, which is against the order dated 17.12.2008.

5.3. It is stated that on 19.12.2007 when construction activity was found, a telegram was sent and thereafter the respondent has not carried out any construction activity. However, few months thereafter, the learned counsel for the respondent is stated to have telephonically clarified that materials were brought only for the purpose of repair and construction of the broken wall and that the construction of the wall is essential to safeguard the interest of the respondent's foundation, which is an institution of national importance. Therefore, the petitioners expressed their no objection for the respondent to proceed with the repair and construction of the compound wall and in all other respects the order of status quo was intended to continue and hence, it is stated that the order dated 17.12.2008 has not given any permission to the respondent to put up construction.

6.1. In the counter affidavit filed by the respondent in the main writ petition during January, 2008, it is stated that the respondent is the owner of the extent of 21.12 Acres in T.S.No.1, Thiruvanmiyur Village, which property prior to town survey in the year 1995 comprised in S.No.179/2. According to her, the said property is forming part of a larger extent of about 99 Acres in Thiruvanmiyur Village belonging to the third respondent, which is a statutory foundation functioning under the superintendence and administrative control of the Government of India pursuant to the Kalakshetra Foundation Act, 1993 and prior to the enactment of the said Act, the erstwhile Kalakshetra Foundation was a society registered under the Tamilnadu Societies Registration Act and was founded by the Late Smt. Rukmani Devi Arundale and other eminent personalities.

6.2. It is stated that the said property was acquired under several sale deeds by Late Smt. Rukmani Devi Arundale, for the erstwhile Kalakshetra or by another society called Besant Centenary Trust, which has merged with erstwhile Kalakshetra under the order of this Court in C.S.No.769 of 1985. It is also stated that the respondent has been in uninterrupted possession of the property and the petitioners have no manner of right to claim any portion of the property and therefore, the writ petition itself is not maintainable.

7.1. Mr.G.Masilamani, learned Senior Counsel appearing for the petitioners has brought to the notice of this Court that even though there is some mistake in not bringing to the notice of this Court about the subsequent modified order dated 17.12.2008, the same is a bonafide mistake under the belief that even under the modified order no permission has been granted for putting up any construction and the status quo order passed by this Court on 12.12.2007 was not disturbed except to the extent that the respondent was permitted to carry out repair works.

7.2. He has also drawn the attention of this Court to the attitude of the respondent pointing out that it is explicitly evident from the notice issued by the Corporation of Chennai dated 20.9.2010 directing the respondent to stop work that certain construction activity has been done by the respondent without any approval and that was found by the Corporation officials on the site inspection conducted by them on 20.9.2010.

7.3. He would submit that the further demolition notice issued by the Corporation dated 14.12.2010 also makes it abundantly clear that in spite of the stop work notice issued on 20.9.2010, the construction activity and renovation of guest house and auditorium work has been carried out without planning permission.

7.4. He further submits that the Public Information Officer, Corporation of Chennai, under the Right to Information Act, in the communication addressed to one of the petitioners dated 11.1.2011 has clearly stated that for the guest houses constructed in the name of 'Manasumi and Upashika' next to school building, the Corporation has not given any planning permission and notice was issued to stop construction and the auditorium building renovation and modification work has been done by the respondent without any permission from the Corporation, in respect of which also notices were issued, and therefore, according to the learned Senior Counsel for the petitioners, even by the modified order since the status-quo continues, there is a deliberate violation on the part of the respondent and the respondent having disobeyed the order of the Court by showing scant respect, cannot take advantage of a bonafide mistake in not bringing to the notice of this Court about the modified order dated 17.12.2008 to justify her conduct.

7.5. He has also brought to the notice of this Court various photographs taken to show that in fact the construction activity has been going on and what has been done by the respondent as per the records is not certainly amounting to repair.

8.1. On the other hand, Mr.Arvind P.Datar, learned Senior Counsel for the respondent would submit that the filing of the contempt is not only an abuse of process, but it is a clear case of harassment by the petitioners of the respondent, who is holding a responsible post in the Government of India.

8.2. According to the learned Senior Counsel for the respondent, the very conduct of the petitioners in not even mentioning about the modified order dated 17.12.2008 shows that the petitioners have not come with clean hands and on that ground the contempt petition has to be dismissed as not maintainable.

8.3. On merits also he has submitted that it is falsely stated as if the respondent has put up three new permanent buildings and demolished the auditorium and put up two new guest houses and according to him, the petitioners, having made a false statement, are liable to be proceed with in accordance with law for perjury. It is submitted that the guest houses were constructed in the year 2005 and it was inaugurated by Mr.R.Venkataraman, Former President of India, and the construction was done and completed by the CPWD as early as 3.2.2005 and there was no building constructed after 2005.

8.4. According to the learned Senior Counsel, the petitioners who falsely claimed ownership of the property, which is of course the subject matter of the writ petition, without even knowing the true facts have filed the present contempt petition and therefore, the petition is not bonafide. It is stated that the affidavit has been filed with false materials in order to mislead the Court and therefore, according to the learned Senior Counsel for the respondent, action should be taken against the petitioners by relying upon the judgment in U.P.Residents Employees Coop. House Building Society and others v. New Okhla Industrial Development Authority and another, [2004] 9 SCC 670.

9. I have heard the learned Senior Counsel for the petitioners and the learned Senior Counsel for the respondent and referred to the various materials placed before me.

10. As elicited above, this Court has passed the interim order of status quo on 12.12.2007. It is seen that subsequently the matter was posted before Lok Adalat on 19.12.2008 for settlement, however settlement could not be reached. In the meantime, the respondent is stated to have brought the writ petition again before this Court stating that the status-quo order passed by this Court is causing hardship, since she is unable to carry out repair work in the disputed land.

11. The learned Assistant Solicitor General of India, who appeared for the fourth respondent in the writ petition at that time seems to have submitted that the respondent herein could be permitted to make repair work in the disputed buildings without permitting her to put up any further construction. It was considering the said submissions the order of status-quo was modified by giving liberty to the respondent herein to make any repair, making it clear that the respondent shall not put up any new construction till disposal of the writ petition.

12. For the purpose of better appreciation, it is necessary to extract the entire order of this Court dated 17.12.2008, which is the modified order:

"By consent of all the parties concerned, the Registry is directed to post the matter before the Lok Adalat on 19.12.2008.

2. The learned counsel for the third respondent would submit that the order of status quo that has been granted by this Court caused great hardship since the third respondent is not able to make any repair works in the disputed building.

3. To this submission, the learned Assistant Solicitor General appearing for the fourth respondent and the learned counsel for the petitioner would submit that the third respondent could be permitted to make repair works in the disputed building but the third respondent may not be permitted to make any further construction.

4. Considering the submission made by the learned counsel for the third respondent, the learned Assistant Solicitor General appearing for the fourth respondent and the learned counsel for the petitioner, it would be appropriate to modify the order of status quo to the following effect:-

"The third respondent is at liberty to make any repair works in the disputed building but however, he shall not put up any new construction till the disposal of the Writ Petition."

13. On the face of it, it is clear that the modification was made only to permit the respondent to proceed with the repair works in the disputed building, specifically stating that no new construction should be put up till the disposal of the writ petition and therefore, it is clear that the order of status-quo passed by this Court earlier on 12.12.2007 is continued in respect of putting up of new construction.

14. When it was posed to the learned Senior Counsel on both sides that since the order of status-quo passed by this Court has been subsequently modified on 17.12.2008, whether the parties, especially the respondent, desire to have the contempt petition posted before the learned Judge who has passed the modified order, both the learned Senior Counsel have consented to proceed with the contempt petition before this Court and accordingly, the contempt petition was taken up.

15. The question to be decided is as to whether the contempt petition is to be entertained for the reason of the petitioners not informing about the subsequent modified order passed by this Court dated 17.12.2008, elicited above. The reason adduced by the learned Senior Counsel for the petitioners for not mentioning the said order is that it is a bonafide mistake, while it is the case of the learned Senior Counsel for the respondent that it is a material suppression.

16. The question of material suppression will arise only in cases where the order of status-quo has been superseded by the subsequent order and that has not been brought to the notice of this Court. On fact, on a comparison of both the orders, there is absolutely no difficulty to come to a conclusion that the order of status-quo passed by this Court dated 12.12.2007 still continues in respect of the putting up of new construction and therefore, the non mentioning of the subsequent order dated 17.12.2008, which is stated to be a bonafide mistake as submitted by the learned Senior Counsel for the petitioners, cannot be termed to be fatal to the filing of the contempt petition.

17. The next point which has been urged effectively by the learned Senior Counsel for the respondent is that even otherwise the petitioners have come forward with a blatant false statement as if construction has been made and therefore, they have to be dealt with in accordance with law.

18. In this regard, it is relevant to note that it has been the case of the petitioners that they are the owners of the property nearly to the extent of 21.12 Acres and their prayer in the main writ petition is to direct the Tahsildar to demarcate the lands and the writ petition is till pending. Pending demarcation, according to the petitioners, the respondent has been attempting to alter the property and therefore, the order of status-quo was passed and as submitted by Mr.Satish Parasaran, learned counsel who has actually appeared earlier while the modified order was passed, the modification itself was a concession due to the reason that due to the incessant rains at that time the compound wall on the northern side has collapsed and it was only for the purpose of putting up the compound wall, by way of repair, such modified order came to be passed.

19. Admittedly, the petitioners are not in possession and the third respondent is in possession of the large extent of lands and for any outsider it is difficult to find out as to what is going on in the campus, especially about the construction activities. The petitioners, who claim a portion of the property of course stating that the entire area belongs to their ancestors, would not have known about the actual happening. But, in the affidavit filed by the petitioners sworn on 12.1.2010, they have stated that the respondent has put up two guest houses on the north west corner of the subject land in S.No.179/2, extended the dining hall on the north eastern side of the subject land in S.No.179/2; created a new pond under the name and style of 'Padma Pushkarni' on the south eastern side of the subject land, etc.. For considering as to whether the said statement made is a deliberate statement to mislead this Court to obtain an interim order, it is relevant to consider the various circumstances under which the petitioners were made to file such affidavit.

20. There are records, as filed in the typed set of papers, to show that the Corporation of Chennai has issued a notice on 20.9.2010 to the respondent based on a site inspection stated to have been made by the officials on 20.9.2010 requesting the respondent to stop work. The contents of the said letter are as follows:

"Notice Under Section 56 and 57 read with Section 85 of the Tamil Nadu Town and Country Planning Act, 1971 (Tamil Nadu Act, 35 of 1972 as amended in Act, 22 of 1974) Notice No.DN-155/013/2010 Dated: 20.9.2010 Sub :

Corporation of Chennai Construction work at Kalashetra Foundation, Muthulakshmi Salai, Thiruvannamiyur, Chennai 41. Stop Work Notice/Production of approved plan issued under section 56 and 57 of Town and Country Planning Act.

Ref :

Site Inspection made on 20.9.2010 Your construction at the site under reference was inspected. No approved plan has been exhibited at the site or produced when called for. Therefore, you are requested to produce a copy of the approved plan in original

for verification and if no approved plan is available or the construction is in deviation to the approved plan, you are requested to stop the work immediately and confirm in writing the fact of having done so, within 3 days from the date of receipt of this notice. If you fail to comply with this notice within the stipulated time, Corporation of Chennai will be constrained to take legal action against the construction under the provisions of the Town and Country Planning Act, 1971."

21. There is also a demolition notice issued by the Corporation of Chennai on 14.12.2010, which also shows that the Corporation has found that in spite of the stop work notice, construction and renovation of guest house (Manasumi, Upashika) Visual act Section and Auditorium was unauthorisedly done without planning permission. That notice was issued by the Executive Engineer of the Corporation of Chennai and the contents of the same are as follows:

"The construction and renovation of Guest house (Manasumi, Upashika) Visual Act Section and Auditorium at Kalakshetra Foundation, Thiruvanmiyur, Chennai 41 is unauthorised one, it has been carried out without planning permission required under section 49 of Town and Country Planning Act, 1971.

2. You have not produced the copy of valid approved plan, in response to the stop work Notice cited.

3. You are hereby called upon to restore the land / building to its condition, as it existed on 27.7.2007, within 30 days from the date of receipt of this notice, failing which action will be taken under Sec.56, Sub-section (5) Clause (b)(i) and (ii) Town and Country Planning Act, 1971, to restore the land/building to its condition as on 27.7.2007 without any further notice to you."

22. Under the Right to Information Act, the Public Information Officer, Corporation of Chennai has also replied on 11.1.2011 as follows:

"With reference to the above letter cited, the information's are furnished under RTI Act 2005.

Sl.No. Query Reply 1(a) Guest Houses constructed in the name of "MANASUMI & UPASHIKA" next to school building (photo enclosed) have obtained any permission from Chennai Corporation or not?

Corporation of Chennai has not given any planning permission to the said building.

1(b) If not, what is the action taken by the Corporation Authorities? And provide the attested copy of notice issued by Chennai Corporation?

Notices were issued and copies are enclosed.

2(a) At present the auditorium which is being demolished and reconstruction work is proceeding, have obtained permission from Chennai Corporation or not?

Auditorium building renovation / modification works being carried out for which no permission has been given by Corporation of Chennai 2(b) If not, what is the action taken by the Corporation Authorities? and provide a copy of notice issued by you.

Notices were issued and copies are enclosed.

23. It is true that all those communications are subsequent to the filing of the affidavit by the petitioners. But the said communications, which are actually public documents about which no privilege can be claimed by anyone, show that at least an allegation has been made against the respondent that she is putting up the construction and renovation of guest houses and auditorium in the campus. In the light of the said public documents, I am of the considered view that no exception can be taken to the contents of the affidavit filed by the petitioners even if such contents may not be accurate and correct. At the most it can be termed as a bonafide mistake and that cannot be a ground for rejecting the contempt petition on the ground of filing of false affidavit or misleading the Court. Therefore, the reliance placed on by the learned Senior Counsel for the respondent in the judgment of the Supreme Court in U.P.Residents Employees Coop. House Building Society and others v. New Okhla Industrial Development Authority and another, [2004] 9 SCC 670 to insist that a show cause notice has to be issued to the petitioners for taking action in filing false affidavit is not applicable to the facts of the present case.

24. Even though it is the case of the learned Senior Counsel for the respondent that what respondent has been doing is replacing the roof of the auditorium, a reference to the photographs filed by the counsel for respondent itself clearly shows that there has been demolition of various portions of the auditorium. In fact, that demolition is seen even on the front portion of the auditorium, apart from the dumping of various materials for the purpose of roofing.

25. When such demolition has been done, which, according to the learned Senior Counsel for the respondent, is to facilitate the visitors to have free entry, as the entry was very small, and that was the purpose of modification, while it may be true that in the interest of the public using the area for the purpose of free access such demolition may be incidental, but nothing prevented the respondent from approaching this Court for obtaining such order, which permission in all fairness would have been granted. Therefore, it is not as if the respondent has acted strictly in accordance with the original order of status-quo and the modified order permitting repair work.

26. Probably, it is because of the demolition made in the entrance of the auditorium, the public authority on inspection has found that the unauthorised demolition and construction has been done without any permission. Therefore, the claim of the petitioners cannot be lightly brushed aside. That apart, there are reasons to believe that some of the mandapams have been put up near the pond, of course by erecting the stone pillars, and that may not be in strict sense amounting to any construction, but it can be construed as a violation of the order of status quo and also the modified order, which only facilitated the respondent to proceed with the repair work.

27. It was in those circumstances the respondent has filed an affidavit on 21.4.2011, wherein the respondent has stated that the portico portion of the auditorium was left unfinished as per the original sanction plan due to paucity of funds and there have been complaints from the performing artists that when the door was opened, it caused disturbance and hence, certain modifications were made to the structure and while making such modification, the respondent was not conscious that she will be violating the orders of this Court dated 12.12.2007, as modified by the order dated 17.12.2008. In the said affidavit, the respondent while extending her unconditional apology, has averred as follows:

"3. Whilst it was found that the Kootrambalam auditorium which was more than 25 years old needed some extensive repairs. When these repairs were begun it was found that the portico was left unfinished as per the original sanctioned plan passed by the then Madras Metropolitan Development Authority due to a paucity of funds and resources on the side of the Foundation. There were also complaints from some of the performing artists that whenever the door was opened, the light which was coming through was causing a disturbance to the performances. Subsequently, on some investigation it was found that the portico as per the original sanctioned plan was not built due to a paucity of funds and resources. It was though that the structure could now be restored to its original intended grandeur and hence certain modifications were made to the structure. While carrying out these modifications, we were not conscious that we would be violating the orders of this court dated 12.12.2007 as modified by the order dated 17.12.2008 and these would not be considered repairs.

4. I apologise to the court for any infraction of the above mentioned order. I am a law abiding citizen and the Kalakshetra Foundation is an institute of national importance governed by an act of Parliament. Any infraction of the order can only be attributed to inadvertence and I apologise for the same. I categorically state that the disobedience was neither wilful nor deliberate."

28. In view of the said affidavit filed by the respondent extending unconditional apology and taking note of the fact that the respondent is a institute of national importance, I am of the view that the contempt petition need not be proceeded with. I am also of the firm view that there has been no deliberate suppression by the petitioners warranting any action against them for any information given in the affidavit filed in support of the contempt petition.

For the reasons aforesaid, the contempt petition stands closed continuing the earlier order of status-quo dated 12.12.2007, as modified by the order dated 17.12.2008, till the disposal of the writ petition. Considering the fact that counter affidavit has been filed in the main writ petition, the Registry is directed to post the writ petition for final disposal during the second week of July, 2011 in order to give a quietus to the entire dispute. No costs.

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