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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ OMP (ENF.) (COMM.) 159/2019 & EX.APPL.(OS) 2826/2022
LANDMARK PROPERTY DEVELOPMENT AND COMPANY
LTD. & ORS. Decree Holders
Through: Ms. Ruby S. Ahuja, Ms. Manmeet
Kaur, Ms. Hancy Maini, Mr.Gurtejpal
Singh & Ms. Anjali Dwivedi,
Advocates.

versus

ANSAL PROPERTIES & INFRASTRUCTURE LTD. & ORS.
..... Judgement Debtors
Through:

CORAM:
HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER
27.04.2022

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CCP(O) 28/2022

The petitioners are award-holders under Arbitral Award dated 07.09.2018 rendered by the learned sole arbitrator. By way of the present contempt petition filed under section 2(b) read with section 12 of Contempt of Courts Act, 1971 and Article 215 of the Constitution of India, the award-holders seek contempt action against the respondents/contemnors for violation and willful disobedience of judgement dated 05.01.2022 made by a Co-ordinate Bench of this court in O.M.P.(ENF.)(COMM) No. 159/2019.

2. Ms. Manmeet Kaur, learned counsel appearing for the award-holders, has taken the court through judgment dated 05.01.2022, whereby, after a detailed consideration of the matter, the Co-ordinate Bench passed the following directions :

“51. The present application stands disposed of with the following directions:

(i) APIL shall deposit, with the Registry of this Court, Rs.32 crores (Rs. 46.01 crores less Rs. 14,90,48,878/-, rounded off) being the differential amount remaining to be deposited, out of the principal amount of Rs.46.01 crores awarded by the learned arbitrator, within a period of four weeks from today.

(ii) APIL shall further deposit, with the Registry of this Court, an amount of Rs. 34 crores which has been stated by Mr. Sujoy Datta, learned Counsel briefing Ms. Tripathi, on behalf of APIL, to constitute the value of the sale consideration against transfer of the shares held by APIL in AICPL to MIPL. This deposit too, shall be made within a period of four weeks from today.

(iii) On such deposit being made, all orders of stay, granted by this Court, against any immovable properties held by APIL, shall stand lifted. APIL shall be free to deal with its immovable properties.

(iv) APIL shall continue, however, to maintain liquidity in its accounts at least to the extent of Rs.120 crores.

(v) In the event of default, by APIL, in complying with directions (i) and (ii) above, APIL shall deposit, with the Registry of this Court, an amount of ? 200 crores, within a period of eight weeks from today.

(vi) All amounts deposited would be retained by the Registry of this Court in an interest bearing fixed deposit, and would abide by the outcome of OMP (Comm) 68/2019 and OMP (ENF) (Comm) 159/2019, and orders to be passed therein.”

3. Ms. Kaur submits that the contemnors have not complied with even a single direction contained in judgment dated 05.01.2022; which has compelled the award-holders to file the present petition.
4. Ms. Kaur however fairly points-out that upon checking the case status, it does appear that on 21.01.2022 the sum of Rs.2.35 crore, a fraction of the sum payable, appears to have been deposited by the contemnors in court.
5. In view of the averments contained in the present petition and the submissions made, issue notice on the contempt petition, returnable 12th May 2022.
6. Upon the award-holders taking steps, let notice be sent to the contemnors, by all permissible modes, including e-mail and WhatsApp.
7. Let the notice indicate that reply to the petition, if any, be filed within (01) one week of service; rejoinder thereto, if any, be filed before the next date of hearing, with copy to the opposing counsel.
8. Considering the observations contained in judgment dated 05.01.2022 and in view of the evident non-compliance of the directions issued thereby, contemnors Nos. 1 to 4 are directed to remain *personally present* in court, on the next date of hearing.
9. Re-notify on 12th May 2022, the date already fixed.

ANUP JAIRAM BHAMBHANI, J.

APRIL 27, 2022/uj