

ITEM NO.17

COURT NO.2

SECTION IV-A

**S U P R E M E C O U R T O F I N D I A**  
**RECORD OF PROCEEDINGS**

**Petition for Special Leave to Appeal (C) Nos.6828-6831/2016**

**(Arising out of impugned final judgment and order dated 04-03-2016 in WP No.12191/2016, 04-03-2016 in WP No.12192/2016, 04-03-2016 in WP No.12193/2016 04-03-2016 in WP No. 12194/2016 passed by the High Court Of Karnataka At Bengaluru)**

STATE BANK OF INDIA &amp; ORS.

Petitioner(s)

VERSUS

KINGFISHER AIRLINES LTD. &amp; ORS.

Respondent(s)

WITH

**CONTEMPT PETITION (C) NOS.421-424/2016 in  
 SLP(C) No. 6828-6831/2016 (IV-A)**

- LISTED

**Date : 10-03-2022 This matter was called on for hearing today.**

CORAM :

**HON'BLE MR. JUSTICE UDAY UMESH LALIT  
 HON'BLE MR. JUSTICE S. RAVINDRA BHAT  
 HON'BLE MR. JUSTICE PAMIDIGHANTAM SRI NARASIMHA**

Counsel for the Parties:

**Mr. Jaideep Gupta, Sr. Adv.  
 Mr. Kunal Chatterji, AOR**

**Mr. Sanjay Kapur, AOR  
 Ms. Megha Karnwal, Adv.  
 Mr. Arjun Bhatia, Adv.  
 Ms. Shubhra Kapur, Adv.  
 Mr. Lalit Rajput, Adv.**

**Mr. Ankur Saigal, Adv.  
 Mr. E. C. Agrawala, AOR**

**Ms. Fereshte D. Sethna, Adv.  
 Mr. Abhishek Tilak, Adv.  
 Ms. B. Vijayalakshmi Menon, AOR**

**M/s. Dua Associates, AOR**

**Mr. Anand Sukumar, AOR**

Mr. Dheeraj Nair, AOR

Mr. Vipin Kumar Jai, AOR

UPON hearing the counsel the Court made the following  
O R D E R

**CONTEMPT PETITION (C) NOS.421-424/2016 in SLP(C) NOS.6828-6831/2016**

1. Pursuant to orders passed from time to time and more particularly orders dated 30.11.2021 and 10.02.2022, the matter is posted today for hearing.
2. In terms of Directions (b) and (c) issued by this Court vide order dated 30.11.2021<sup>1</sup>, the contemnor was given specific liberty to advance submissions pertaining to the issues set-out in the judgment dated 09.05.2017. Additionally, he was given further liberty to advance such submissions through his learned Counsel.
3. Mr. Ankur Saigal, learned counsel appearing on behalf of the contemnor submits that all the orders including the orders dated 30.11.2021 and 10.02.2022 were brought to the notice of the contemnor and that there was exchange of communications between the learned counsel and the contemnor. A copy of the communication dated 17.01.2022 has been placed for our perusal which communication *inter alia* states inability on part of the Solicitors of the contemnor to provide any information about the nature of proceedings and the relief sought in the pending proceedings in the United Kingdom.

1 “b. Respondent No.3 is at liberty to advance such submissions, as are deemed appropriate, pertaining to the issues set out in the order dated 09.05.2017.

c. If, for any reason, respondent no.3 is not present to advance such submissions, learned counsel on his behalf can advance such submissions as are open to respondent no.3, in law.”

4. We then invited Mr. Ankur Saigal, learned counsel to advance submissions on merits of the matter in keeping with the directions issued in last two orders. Mr. Saigal expressed his inability to advance the submissions.

5. We have heard Mr. Jaideep Gupta, learned Senior Advocate, who has assisted this Court as *Amicus Curiae* very ably. He has invited our attention to various aspects of the record including the judgment dated 09.05.2017 in *State Bank of India & Others v. Kingfisher Airlines Ltd. & Others*, (2017) 6 SCC 654, provisions of the Contempt of Courts Act and the Supreme Court Rules, 2013. He has also relied upon various decisions of this Court including the decision in *Supreme Court Bar Association v. Union of India & Another*, (1998) 4 SCC 409.

6. Mr. Gupta may file his written submissions on or before 12.03.2022.

7. Even though Mr. Ankur Saigal, learned counsel has expressed his inability to advance submissions though he was invited to do so, we still grant one more opportunity to file his submissions on or before 15.03.2022, with an advance copy to the learned *Amicus Curiae*.

8. Order reserved.

(MUKESH NASA)  
COURT MASTER

(VIRENDER SINGH)  
BRANCH OFFICER