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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **CS(COMM) 166/2019**

M/S R K BARARIA

..... Plaintiff

Through: Mr. Sanjay Bansal, Advocate.

versus

NANDI INFRATECH PRIVATE LIMITED

..... Defendant

Through: Mr. V.K. Garg, Senior Advocate with
Mr. Suresh Chandra, Mr. Bipin
Kumar, Mr. K.S. Rekhi & Mr. Parv
Garg, Advocates.

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

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07.10.2022

CCP(O) 74/2019

By way of this petition the plaintiff seeks action in contempt against the Directors of the defendant company for breach and violation of order dated 05.07.2019, *inter-alia* of the undertaking proffered as recorded in paras 4 and 5 of the order, which read as under:

“4. It is submitted by ld. counsel for the Contractor that the settlement offer made by his client was for the payment of Rs.5 crores. Mr. Uppal, ld. Senior Counsel submits that his client is willing to deposit the sale consideration of 6 flats, which would be more than Rs.5 crores, in order to ensure that the entire project is not stalled.



“5. Accordingly, it is directed that the sale consideration of the first 6 flats or any other number of flats amounting to a total sum of Rs.5 crores, which are sold by the Company, shall be deposited with the Registrar General of this Court. Subject to the said deposit of Rs. 5 crores, the Company is free to deal with the remaining flats in the said project. The above deposit shall be without prejudice to the rights and contentions of the parties till the time of completion of the joint measurement. The said deposit shall also be without prejudice to the fact that it is the case of the company that upon joint measurement being conducted, it would be evident that the Contractor, in fact, owes money to the Company.”

Issue notice.

Learned counsel appearing for the alleged contemnors, accepts notice; and seeks time to file reply.

Let reply be filed within 06 weeks; rejoinder thereto, if any, be filed within 04 weeks thereafter; with copies to the opposing counsel.

Re-notify on 17th January 2023.

I.A. 4623/2019, I.A. 8900/2019, I.A. 11461/2019 & I.A. 10609/2020

Re-notify on 17th January 2023.

ANUP JAIRAM BHAMBHANI, J

OCTOBER 7, 2022/ds