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

+ **CS(COMM) 382/2019**

ENCONCORE N.V.

..... Plaintiff

Through: Mr. Hemant Singh, Dr. Shilpa Arora and
Mr. Ankit Arvind, Advs.

versus

ANJANI TECHNOPLAST LTD. & ANR.

..... Defendant

Through: Mr. Gaurav Barathi, Mr. Pavlov Kr.
Handique, Advs. with Mr. R.K. Gupta,
representative of D-1 and D-2.

CORAM:

HON'BLE MR. JUSTICE JAYANT NATH

ORDER

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08.08.2019

CCP(O) 47/2019

1. This contempt petition is filed on account of stated disobedience of the order of this Court dated 29.07.2019. As per the application, the Local Commissioner (LC) was to execute the commission at the factory address of the defendants at 6A, Sector 40/41, Ecotech-I, Greater Noida, U.P. The commission was sought to be executed on 03.08.2019. When the learned L.C. along with plaintiff's counsel reached the factory premises of defendant No. 1, a copy of the order is sought to be shown to Mr. Ravi Vishwakarma who is H.R. - Administration of defendant No. 1 who refused to comply with the order of this Court and resisted the learned L.C. from entering into the factory premises of defendant No. 1. Contemnor No. 2 also refused to allow learned L.C. to enter the factory premises. Though two policemen did turn up at the spot, they were of no help as contemnor No. 2 is said to have



produced some letter from Ministry of Defence.

2. It is further stated that learned L.C. had similar experience when he visited the other premises of the defendant at Patparganj, Delhi.

3. Learned counsel has entered appearance for defendants/contemnors. Contemnor No.2 is also present in person. He states that defendants manufacture highly sensitive equipment which are used by Ministry of Defence and that they have instructions from the Ministry of Defence not to allow any visitor to enter into the factory premises. Hence, he states that inspection could be completed. He further states on instructions, that there is no problem in case the learned L.C. visits the factory premises and makes necessary inventory in terms of the order of this Court.

4. In view of these facts and circumstances of the case, issue notice to the respondents returnable on 08.11.2019, the date already fixed. Learned counsel for the respondent accepts notice. Reply be filed within four weeks. On the next date, all the three alleged contemnors shall remain present in the Court.

5. In the meantime, the learned L.C. is requested to visit the premises of the defendant on 10.08.2019 at 11 am. He shall be accompanied by two counsel for the plaintiff. Two representatives of the defendant will also be allowed to accompany the learned L.C.

6. Learned L.C. shall carry out the inspection in terms of the order of this Court dated 29.07.2019. The inventory shall mention about all the infringing products. The learned L.C. will take photographs of the impugned products and the process by which the products are manufactured. Photographs shall be confined to infringing products/process only and the same shall be filed in court in a sealed cover without giving any copies to



the two sides.

7. The fee of the learned L.C. is fixed at Rs.75,000/- for this second visit which shall be paid by the defendant on 10.08.2019.
8. Renotify on 08.11.2019.
9. A copy of the order be given dasti under signatures of the Court Master.

JAYANT NATH, J

AUGUST 08, 2019/acm