

HIGH COURT OF JAMMU AND KASHMIR AT JAMMU

CPSW No. 207/2016

Sunil Dutt Vs Billal Ahmed Bhat , MD, JAKFED

Coram:

Hon'ble Mr. Justice Sanjeev Kumar, Judge.

Appearing counsel:

For petitioner (s) : Mr. Nityan Dutta, Advocate

For respondent(s) : Mr. Adarsh Sharma, Advocate.

Vide order dated 17.7.2017, learned counsel for the respondents assured this court that the order dated 18.12.2015 sought to be implemented, shall be complied with positively within four weeks.

This court while accepting aforesaid assurance of the counsel for the respondents, however, provided that in case the order dated 18.12.2015 is not complied with within the stipulated period, the respondents will have to pay 9% interest in addition to what had already been ordered by the court.

On 13.10.2017, this court noticed that compliance in terms of order dated 17.7.2017 was not filed and accordingly directed the Managing Director of the Corporation to remain personally present.

Today, neither the compliance report has been filed nor the Managing Director of the Corporation has come present.

It appears that respondent is deliberately avoiding compliance of the order of the court dated 18.12.2015 and therefore, prima facie in contempt. However, before proceeding to issue contempt notice to the respondent, this court deemed it fit to first secure the presence of the Managing Director of the Corporation throughailable warrants, to be executed by the Senior Superintendent of Poilice, Jammu. Senior Superintendent of Police, Jammu to ensure presence of the Managing Director , JK FED before this court on the next date of hearing.

At this stage, Mr. Adarsh Sharma appeared for the respondent and states that he would ensure that the aforesaid order of the court is complied with in its letter and spirit before the next date of hearing and that the presence of Managing Director may not be directed through the agency of police. Statement of learned counsel for the respondent is taken on record. Accordingly, it is directed that respondent shall file compliance report by or before the next date of hearing and in case of failure, it shall be the duty of the learned counsel to ensure the presence of Managing Director, JAK FED in this court.

List on 30.11.2017.

(Sanjeev Kumar)

Judge

JAMMU
16.11.2017
RSB.Secy.

