

SUPR EME COUR T OF I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).5688/2007

(From the judgment and order dated 22/02/2007 in IA No. 1/2007 in
CCC No. 40/2006 of The HIGH COURT OF KARNATAKA AT BANGALORE)

V.H. RAMAKRISHNAN Petitioner(s)

VERSUS

N. PRATHAP SIMHA & ORS. Respondent(s)

(With appln(s) for permission to file additional documents and prayer for
interim relief and office report)

WITH
S.L.P.(C)...CC NO. 9953-9954 of 2007 - With appln. for c/delay in filing SLP and
with office report

Date: 21/08/2009 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S.H. KAPADIA
HON'BLE MR. JUSTICE AFTAB ALAM

For Petitioner(s) Mr. Mukul Rohtagi, Sr.Adv.
Mr. Sanjay Kapur, Adv.
Ms. Arti Singh, Adv.

Mr. Gagan Gupta, Adv.

For Respondent(s) Mr. Naveen R. Nath, Adv.
Ms. Lalit Mohini Bhat, Adv.
Ms. Amrita Sharma, Adv.

Mr. P.S. Narasimha, Sr.Adv.
Ms. Sushmita Banerjee, Adv.
Mr. Anupam Lal Das, Adv

Mr. Gagan Gupta, Adv.

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UPON hearing counsel the Court made the following
ORDER

SLP(C) No. 5688 of 2007

Leave granted.

The appeal is allowed with no order as to costs.

SLP(C) Nos.....CC 9953--9954 of 2007

Delay condoned.

The Special Leave Petitions are dismissed.

(S. Thapar)
PS to Registrar

(Madhu Saxena)
Court Master

The signed order is placed on the file.
IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.5785 OF 2009
(Arising out of SLP(C) No.5688 of 2007

V.H. RAMAKRISHNAN

...APPELLANT (S)

VERSUS

N. PRATHAP SIMHA & ORS.

...RESPONDENT(S)

ORDER

Leave granted.

In the present case the High Court, inter alia, directed a nominee Director of UTI to be prosecuted for Contempt of Court. Till date, because of the interim order, the charges have not been framed.

The issue which arises for determination is whether a nominee Director stands protected under Section 19A(2) of the UTI Act?

In our view this question needs to be decided by the High Court before proceeding to frame the charges. In the circumstances, the impugned order is set aside and we direct the High Court to decide the preliminary issue, stated hereinabove, and thereafter proceed in accordance with law as far as the matter of framing of the charges is concerned.

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Accordingly, the impugned order of the High Court is set aside and the matter is remitted to the High Court to be decided in accordance with law.

The appeal is accordingly allowed with no order as to costs.

.....J.
[S.H. KAPADIA]

New Delhi,
August 21, 2009

.....J
[AFTAB ALAM]