

IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION

CONTEMPT PETITION (CIVL) NO. 179 OF 2010
IN
SPECIAL LEAVE PETITION (CIVIL) NO. 17139 OF 1995

|Vinedale Distilleries P. Ltd. | Petitioner(s) |

Versus

|Satish Kumar Aggarwal & Anr. | Respondent(s) |

O R D E R

1. This contempt petition arises out of Special Leave Petition (Civil) No. 17139 of 1995 and contains the allegation that the respondents have willfully disobeyed the orders and directions issued by this Court dated 10.05.1995 and 11.09.1995 in Special Leave Petition (Civil) No. 9533 of 1995, which are confirmed by a subsequent order, dated 18.11.2003 in Special Leave Petition (Civil) No. 17139 of 1995.

2. It has come on record that disputes arose between the petitioner and the respondents with respect to the ownership of the petitioner-Company. The Division Bench of High Court of Delhi in FAO (OS) 265 of 94 appointed the respondents as the joint receivers of the petitioner-Company and imposed certain conditions upon them by order dated 13.02.1995. Thereafter, appeals were filed by both the parties to the lis before this Court and this Court partially modified the said conditions by order dated 10.05.1995 in Special Leave Petition (Civil) No. 9533 of 1995. The allegation of the petitioner relates to the following directions of this Court, inter alia:

" d. Condition No.6 shall be substituted to read as follows :-

"The Aggarwal Group shall furnish property security in the sum of Rs.1.50 crores (Rupees One Crore fifty lakhs) within 3 (three) months to the satisfaction of the Registrar, High Court of Delhi, in addition to a bank guarantee in the sum of Rs.50 lakh (Rupees fifty lakhs) to be furnished within 3(three) months from the date of this order, to meet any contingencies that might arise on account of the orders to be passed by the High Court or by this Court.

Subject to the above substitution/modifications the order made by the High Court on 3.2.1995 and the conditions imposed shall continue to remain in force and shall be punctually obeyed till further orders.

We, however, clarify that the Aggarwal group shall not create any third party rights in respect of the property of Vindale nor transfer the shares or create any encumbrance without the sanction of the High Court."

The aforesaid condition was modified to a limited extent by this Court in terms of the security amount by order dated 11.09.1995 and later by order dated 18.11.2003 in Special Leave Petition (Civil) No. 17139 of 1995 the said direction was confirmed by this Court.

3. We have heard Shri Akhil Sibal, learned counsel appearing for the petitioner and Shri Gaurav Goel, learned counsel for respondent No. 1 and Shri T.K. Ganju, learned senior counsel for respondent No. 2.

4. Shri Sibal would submit that despite the aforesaid direction of this Court, the respondent No. 2 in the representative capacity on behalf of the petitioner-Company has entered into a memorandum of understanding, dated 19.12.2008 with third parties and raised a loan of Rs. 25,00,00,000/- to be discharged from the shares of petitioner-Company and therefore, willfully disobeyed the said direction of this Court.

5. We have gone through the various affidavits filed by the respondents and the third parties with whom the respondents are said to have entered into the said memorandum of undertaking. A perusal of these affidavits would clearly indicated that both the parties to the memorandum of understanding were conscious of the orders and directions of this Court and that at no point of time, the respondents have reflected any intention to disobey the orders and directions issued by this Court on the aforesaid dates.

6. In view of the aforementioned observation, we are not inclined to entertain this contempt petition and the same deserves to be dismissed and is dismissed accordingly.

.....J.
[H.L. DATTU]

.....J.
[DIPAK MISRA]

NEW DELHI,
JULY 16, 2013.

ITEM NO. 8

COURT NO.5

SECTION XIV

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

CONTEMPT PETITION (C) NO. 179 OF 2010 IN SLP(C) 17139/1995

VINEDALE DISTILLERIES P.LTD.

Petitioner(s)

VERSUS

SATISH KUMAR AGGARWAL & ANR.

Respondent(s)

(With appln(s) for permission to place addl. documents on record and
c/delay in filing rejoinder affidavit and office report)

Date: 16/07/2013 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE H.L. DATTU
HON'BLE MR. JUSTICE DIPAK MISRA

For Petitioner(s) Mr. Akhil sibal, Adv.

Mr. Sanjay Chhabra, Adv.
Mr. Abhay A Jena, Adv.
for Ms. Bina Gupta, Adv.

For Respondent(s) Mr. Gaurav Goel, Adv.
Mr. Mahesh Agarwal, Adv.
Mr. Rishi Agrawala, Adv.
Mr. E.C. Agrawala, Adv.

Mr. T.K. Ganju, Sr. Adv.
Mr. C.S. Gupta, Adv.
Mr. Ajay Thakur, Adv.
Mr. Shekhar Kumar, Adv.

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

The contempt petition is dismissed in terms of the signed
order.

| [Charanjeet Kaur] | | [Vinod Kulvi] |
| Court Master | | Asstt. Registrar |

[Signed order is placed on the file]