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ITEM NO.40

COURT NO.7

SECTION XII

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

CONTEMPT PETITION (C) NO. 1-2 OF 2010 IN Civil Appeal 5870-5871/2008

A.R. SRIDHARAN & ANR.

Petitioner(s)

VERSUS

M/S. VAK ENGINEERING PVT. LTD. & ANR.

Respondent(s)

(With appln(s) for directions, permission to place addl. documents on record

WITH

S.L.P.(C)...CC NO. 12616 of 2010 (With office report)

SLP(C) NO. 8434-8436 of 2011 (With office report)

Date: 26/09/2011 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE G.S. SINGHVI

HON'BLE MR. JUSTICE SUDHANSU JYOTI MUKHOPADHAYA

For Petitioner(s) in CP 1-2/2010	Mr. Shyam Divan, Sr. Adv. Mr. S. Gowthaman, Adv.
In SLP 8434-8436/11	Mr. Anis Mohd, Adv.for Mr. L.K. Pandey, Adv.
In SLP(CC 12616/10)	Mr. A.K.Ganguly, Sr. Adv.for Mr. R. Ayyam Perumal, Adv.
For Respondent(s)	Mr. Gopal Jain, Adv. Ms. Radhika Gautam, Adv. Mr. Gawthom, Adv.for Mr. E.C.Agrawala, Adv. Mr. G.Sivabalamurugan, Adv. Mr. Anid Mohd, Adv.for Mr. L.K. Pandey, Adv. Mr. R. Ayyam Perumal, Adv.

UPON hearing counsel the Court made the following

O R D E R

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Contempt Petition Nos.1-2/2010

In these petitions filed under Article 129 of the

Constitution read with Order XLVII of the Supreme Court

Rules, 1966, petitioner A.R.Sridharan has prayed for
initiation of contempt proceedings against M/s. VAK
Engineering Private Limited for having deliberately flouted

orders dated 12th May, 2005 and 26th September, 2008 passed by this Court in Special Leave Petition (Civil) Nos. 10965-10966 of 2005 and Civil Appeal Nos.5870-5871 of 2008 respectively.

We have heard Shri Shyam Divan, learned senior counsel appearing for the petitioner and Shri Gopal Jain and Shri G.Sivabalamurugan, learned counsel appearing for the respondents and carefully perused the record.

In our opinion, the contempt petitions are liable to be dismissed because,

(i) respondent No.1 is a company registered under the Companies Act and has a corporate entity and in exercise of the power under Article 129 of the Constitution, the Court cannot punish a corporate entity, and

(ii) the material placed on record of the contempt petitions does not show any deliberate violation of orders dated 12th May, 2005 and 26th September, 2008 by respondent No.1.

The Contempt Petitions are, accordingly, dismissed.

SLP(C)..../2010(CC No.12616) & SLP(C) Nos.8434-36/2011

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List these cases on 21st October, 2011 for admission hearing.

(Parveen Kr. Chawla)
Court Master

(Phoolan Wati Arora)
Court Master