

NATIONAL COMPANY LAW APPELLATE TRIBUNAL
NEW DELHI

Contempt Petition (AT) No. 2 of 2017

IN THE MATTER OF:

Smt. Poonam Gupta & Ors. ... Applicants

Versus

AJ Prakashan Pvt. Ltd. & Anr. ... Respondents

AND

Contempt Petition (AT) No. 3 of 2017

IN THE MATTER OF:

Smt. Poonam Gupta & Ors. ... Applicants

Versus

**Shashwat Printers Pvt. Ltd. & Anr. ... Contemners/
Respondents**

AND

Contempt Petition (AT) No. 4 of 2017

IN THE MATTER OF:

Smt. Poonam Gupta & Ors. ... Applicants

Versus

**Jnanamandal Ltd. & Anr. ... Contemners/
Respondent**

**Present: For Applicants : Shri Shohit Chaudry and Shri
Shashwat Dev, Advocates**

**For Contemner/Respondent : Shri Devashish Chouhan
And Shri Dhruv Gautam, Advocates**

ORDER

20.07.2017 These contempt petitions have been preferred by the common applicants against the Contemner Respondents, Shri Shardul Vikram Gupta alleging intentional and deliberate violation of this Appellate Tribunal's order dated 2nd March, 2017 passed in Company Appeals (AT) Nos. 39, 40 and 41 of 2017.

2. Shri Shardul Vikram Gupta appears in person and filed separate affidavits of apology in respect of these contempt petitions wherein verbatim similar plea has been taken, which reads as follows :

"1. *That I am the Director of AJ Prakashan Pvt. Ltd. and the Contemnor in this Contempt Petition. By order dated 25.04.2017, this Hon'ble Tribunal had issued notice on these contempt petitions requiring the deponent to be present in Court and I had remained present on every date of hearing thereafter.*

2. *Further, on the hearing dated 26 May 2017, this Hon'ble Tribunal inter alia passed the following order:*

"..... Contemnor, Mr. Shardul Vikram Gupta is present in person. Learned counsel for the contemnor/respondents prays for some time to file appropriate affidavits in all the petitions and to enable him to purge the contempt. On his request the case is adjourned. The

contemnor may file appropriate affidavit in all the cases within one week.

Post all these matters on 6th July, 2017.”

3. *Without going into the merits of the case, the Respondent/Contemnor offers an unconditional, unqualified apology for any impression of contempt that he might have created in the eyes of this Hon'ble Tribunal.*
4. *It was never the intention of the deponent to violate any direction of this Tribunal. If, in the View of this Hon'ble Tribunal, the actions of the Deponent, acting through his subordinates have amounted to contempt, he sincerely apologises to this Hon'ble Tribunal and seeks the indulgence of this Hon'ble Tribunal to close the contempt proceedings initiated. The deponent contemnor submits with respect that when inspection was attempted by the Contempt petitioners on 07 March 2017, he was in Allahabad and he apologises for the actions of his subordinates present at the premises of AJ Prakashan Pvt. Ltd., Kanpur in preventing the inspection of the Company's premises as the same was done under the bona fide belief that the inspection could only be*

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carried out in the presence of the Regional Director,
Northern Region, Ministry of Corporate Affairs.

5. *I also submit that the Contempt Petitioners (Respondents in the original Appeal) could carry out the inspection in terms of the order dated 08.05.2017 passed by the Hon'ble Supreme Court in these matters, by which the time for inspection in these matters was extended by the Hon'ble Supreme Court by four weeks with effect from 08.05.2017 and the Contemner/Respondent would co-operate in the aid process in accordance with the directions issued by this Hon'ble Tribunal. In this manner the order dated 02.03.2017 passed by this Hon'ble Tribunal can be given effect to and the contempt purged.*

6. *It is respectfully submitted that despite the order of the Hon'ble Supreme Court dated 08.05.2017, the Contempt Petitioners/Respondents in the Company Appeal have not yet come forth to inspect despite having given written intimation of their intention to do so. Written intimation was given on 18 May 2017 indicating their intention to carry out the inspection on 22 May 2017. However, they did not arrive to conduct the inspection on the said date. Should they intimate the Contemnor of their intention to inspect*

the records of the Company, the Deponent would cooperate them to do the same.”

3. We have heard the learned counsel for the applicants/appellants and learned counsel for the Contemner Respondent. Taking into consideration the ‘unconditional’ and ‘unqualified’ apology sought for by Shri Shardul Vikram Gupta (Contemner Respondent) who is present in the court, and the fact that the Tribunal has now been asked to dispose of the Company Petitions, we are not inclined to proceed further against the Contemner Respondent for the present. However, if in future we find that the Contemner Respondent, Shri Shardul Vikram Gupta violates any of the order of the Appellate Tribunal or the National Company Law Tribunal, in such case, the court may proceed against him and may not be satisfied with the unconditional and unqualified apology, till matter is justified and explained.

4. The appearance of Shri Shardul Vikram Gupta is dispensed with. All the contempt petitions stand disposed of with the aforesaid observation.

[Justice S.J. Mukhopadhaya]
Chairperson

[Balvinder Singh]
Member (Technical)