

REPORTABLE  
IN THE SUPREME COURT OF INDIA  
INHERENT JURISDICTION  
CONTEMPT PETITION(CIVIL) NO.940/2021  
IN  
MISCELLANEOUS APPLICATION NO.1668/2021  
IN  
SPECIAL LEAVE PETITION(CIVIL) NO.14724/2021

Urban Infrastructure Real Estate Fund

...Petitioner

Versus

Dharmesh S. Jain and Another

...Respondents/  
Contemnors

ORDER

M.R. SHAH, J.

1. Vide detailed judgment and order dated 10.03.2022 passed in the aforesaid Contempt Petition, this Court held the respondents guilty, more particularly, respondent No.1 herein – Dharmesh S. Jain, for the contempt of this Court for wilful disobedience of the order dated 28.10.2021 passed by this Court in Miscellaneous Application No. 1668 of 2021 in Special Leave Petition (Civil) No. 14724/2021, as also, for wilful disobedience of the order passed by the High Court dated 08.08.2019 in Notice of Motion No. 960 of 2019 in Commercial Arbitration Petition No. 55 of 2019 and the respondents herein rendered

themselves liable for suitable punishment under the provisions of the Contempt of Courts Act. By the aforesaid judgment and order dated 10.03.2022, the respondents/contemnors were required to be heard on the quantum of sentence. Accordingly, on 22.03.2022, the matter was placed before the Bench for further hearing on the quantum of sentence.

2. We have heard Shri Vikas Singh, learned Senior Advocate appearing on behalf of the contemnors on the quantum of sentence. However, at his request, the order on the quantum of sentence was deferred, so as to enable the respondents/contemnors to either enter into an amicable settlement with the petitioner or to comply with the orders passed by this Court and the High Court, of which they are held guilty for wilful disobedience.

3. Thereafter, Shri Vikas Singh, learned counsel appearing on behalf of the respondents/contemnors was called upon by the Court with regard to the latest developments which might have a bearing on the imposing of a suitable sentence. Shri Vikas Singh, learned counsel appearing on behalf of the respondents/contemnors stated at the Bar that though the respondents/contemnors have tried to settle the dispute amicably with the petitioner, but there is no final settlement arrived at between the parties. The fact remains that even after the respondents are held guilty for wilful disobedience of the orders passed by this Court as well as the High Court vide judgment and order dated 10.03.2022, and even

thereafter giving sufficient opportunities to the respondents/contemnors to either comply with the orders of this Court and the High Court, of which wilful disobedience is proved and they are held liable to be punished suitably under the provisions of the Contempt of Courts Act, or to settle the dispute amicably with the petitioner herein, neither the respondents/contemnors have complied with the orders passed by this Court as well as the High Court nor have they settled the dispute amicably.

4. In the above circumstances and in furtherance of our earlier judgment and order dated 10.03.2022 whereby the respondents, more particularly, respondent no.1 has been held guilty for wilful disobedience of the order passed by this Court dated 28.10.2021 in Miscellaneous Application No. 1668 of 2021 in Special Leave Petition (Civil) No. 14724/2021, as also, the order passed by the High Court dated 08.08.2019 in Notice of Motion No. 960/2019 in Commercial Arbitration Petition No. 55/2019 and rendered himself liable for suitable punishment under the provisions of the Contempt of Courts Act and even thereafter granting them sufficient opportunities to either settle the dispute amicably or comply with the orders of this Court and the High Court, neither the orders have been complied with nor the dispute has been settled amicably, we hereby sentence respondent No.1 – Dharmesh S. Jain to undergo seven days simple imprisonment, as also, impose a fine

on both the respondents, which is quantified as Rs. 5,00,000/- (rupees five lakhs), to be deposited before the High Court of Judicature at Bombay within a period of two weeks from today and on such deposit, Rs. 4,00,000/- (rupees four lakhs) be paid to the petitioner herein and Rs.1,00,000/- (rupees one lakh) be transferred to the Maharashtra State Legal Services Authority. However, so as to give one last opportunity to the contemnor to purge the contempt and comply with the orders passed by the Bombay High Court as well as this Court, it is observed that the aforesaid sentence shall be kept in abeyance for a period of two weeks from today, failing which, the aforesaid sentence shall take effect and on non-compliance, the respondent No.1 herein – Dharmesh S. Jain will then surrender before the concerned Court/Authority to undergo the sentence imposed by this Court, i.e., seven days simple imprisonment for a wilful disobedience of the orders passed by this Court and the High Court.

5. The present contempt petition stands disposed of in the aforesaid terms.

.....J.  
[M.R. SHAH]

NEW DELHI;  
MAY 12, 2022.

.....J.  
[B.V. NAGARATHNA]