

# entertainment network (India) limited

Corporate Office: 14<sup>th</sup> Floor, Trade World, D-Wing, Kamala Mills Compound, Senapati Bapat Marg,  
Lower Parel (West), Mumbai – 400 013, India. Tel: 022 6753 6983.

August 1, 2024

<b>BSE Limited,</b> Rotunda Building, P. J. Towers, Dalal Street, Fort, Mumbai: 400001.	<b>National Stock Exchange of India Limited,</b> Exchange Plaza, Bandra Kurla Complex, Bandra- (East), Mumbai – 400051.
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**BSE Scrip Code: 532700/ Symbol: ENIL**

**Sub: Disclosure under Regulation 30 of the Securities and Exchange Board of India (Listing Obligation and Disclosure Requirements) Regulations, 2015 ('Listing Regulations')**

Dear Sir/Madam,

Further to our earlier disclosures dated April 28, 2023, May 4, 2023, May 16, 2023 and September 9, 2023 regarding pending litigation with Phonographic Performance Limited ('PPL'), please find below the details regarding the litigation status as required under Regulation 30 of the Listing Regulations, read with SEBI Circular No. SEBI/HO/CFD/CFD-PoD-1/P/CIR/2023/123 dated July 13, 2023:

- 1) Details of any change in the status and/ or any development in relation to such proceedings: Phonographic Performance Limited ('PPL') had filed contempt petition in August 2023, before the Hon'ble Madras High Court, against the Company, Directors and Key Managerial Personnel, for alleged non-compliance with the order dated April 27, 2023 passed by the Hon'ble Madras High Court regarding payment of disputed royalties. The Hon'ble Madras High Court, vide its Order dated 31.07.2024 in Contempt Petition No. 2016 of 2023, has directed the Company in the said Petitions to deposit 50% of the liability projected in the grounds of appeal in the Special Leave Petition bearing no. 10085 of 2023 filed before the Hon'ble Supreme Court of India, i.e. 50% of 40 Cr amounting to 20 Cr.  
The Hon'ble Madras High Court has further directed to deposit the said amount within 4 (four) weeks' time from the date of pronouncement of the Order dated 31.07.2024 and has listed the matter on 30.08.2024 for reporting compliance.  
Notably, the Hon'ble Madras High Court has not held the Respondents liable under contempt vide its Order dated 31.07.2024 and has directed the Respondent Company to deposit the abovementioned amount to express its bona fide.  
The Respondents will be filing an appeal against the Order dated 31.07.2024 before the appropriate forum.
- 2) In the case of litigation against key management personnel or its promoter or ultimate person in control, regularly provide details of any change in the status and / or any development in relation to such proceedings: There is no change in the status and/or any development in relation to the proceedings qua the Key Management Personnel of the Company. However, the Respondent Company has been directed to deposit 50% of the liability projected in the grounds of appeal in the Special Leave Petition bearing no.

**Registered Office:** 'A' Wing, 4<sup>th</sup> Floor, Matulya Centre, Senapati Bapat Marg, Lower Parel (West),  
Mumbai – 400 013, India. Tel: 022 6662 0600. Fax: 022 6661 5030. E-mail: mehul.shah@timesgroup.com [www.enil.co.in](http://www.enil.co.in)  
Corporate Identity Number: L92140MH1999PLC120516

# **entertainment network (India) limited**

**Corporate Office:** 14<sup>th</sup> Floor, Trade World, D-Wing, Kamala Mills Compound, Senapati Bapat Marg,  
Lower Parel (West), Mumbai – 400 013, India. Tel: 022 6753 6983.

10085 of 2023 filed before the Hon'ble Supreme Court of India, i.e. 50% of 40 Cr amounting to 20 Cr. The Hon'ble Madras High Court has listed the matter for reporting compliance on 30.08.2024. The Respondents will be filing an appeal against the Order dated 31.07.2024 before the appropriate forum.

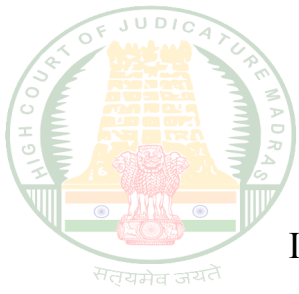
- 3) In the event of settlement of the proceedings, details of such settlement including - terms of the settlement, compensation/penalty paid (if any) and impact of such settlement on the financial position of the listed entity : Not applicable.

The copy of the Order is attached herewith. The Company will update about any material developments in this regard.

Yours truly,  
**For Entertainment Network (India) Limited**

**Mehul Shah**  
*EVP - Compliance & Company Secretary*  
(FCS no- F5839)

Encl: a/a



IN THE HIGH COURT OF JUDICATURE AT MADRAS

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**RESERVED ON : 04.07.2024**

**PRONOUNCED ON : 31.07.2024**

CORAM:

**THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN**

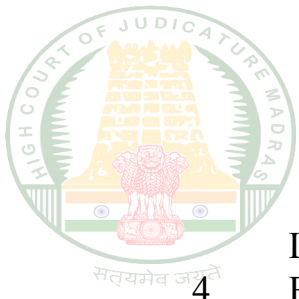
**Cont.P.No. 2016 of 2023**

Phonographic Performance Limited  
Rep., by its State – Head Mr.Sidhik Ahmed SS  
Crescent Towers, 7<sup>th</sup> Floor, B-68,  
Veera Estate, Off. New Link Road,  
Andheri (W), Mumbai – 400 053.

... Petitioner/Petitioner

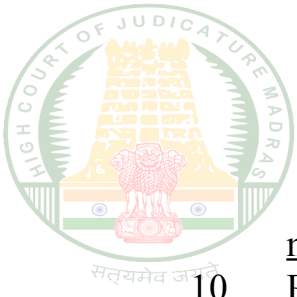
**Vs**

1. Entertainment Network India Ltd.  
Rep. by its Directors – Mr.Vineet Jain  
Ground Floor, Trade Gardens  
Kamala Mills Compound  
Senapati Bapat Marg,  
Lower Parel (West), Mumbai – 400 013
2. Vineet Jain, Director  
Ground Floor,  
Trade Gardens  
Kamala Mills Compound  
Senapati Bapat Marg,  
Lower Parel (West), Mumbai – 400 013
3. Narayanan Kumar, Director  
Ground Floor,  
Trade Gardens  
Kamala Mills Compound  
Senapati Bapat Marg,



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4. Lower Parel (West), Mumbai – 400 013  
Ravindra Krishna Kulkarni, Director  
Ground Floor,  
Trade Gardens  
Kamala Mills Compound  
Senapati Bapat Marg,  
Lower Parel (West), Mumbai – 400 013
5. Richard Blaise Sebastian Saldanha, Director  
Ground Floor,  
Trade Gardens  
Kamala Mills Compound  
Senapati Bapat Marg,  
Lower Parel (West), Mumbai – 400 013
6. Subramanian Narayanan, Director  
Ground Floor,  
Trade Gardens  
Kamala Mills Compound  
Senapati Bapat Marg,  
Lower Parel (West), Mumbai – 400 013
7. Sukanya Kripalu, Director  
Ground Floor,  
Trade Gardens  
Kamala Mills Compound  
Senapati Bapat Marg,  
Lower Parel (West), Mumbai – 400 013
8. Yatish Gopendranath Mehrishi, Director  
Ground Floor,  
Trade Gardens  
Kamala Mills Compound  
Senapati Bapat Marg,  
Lower Parel (West), Mumbai – 400 013
9. Mehul Rasiklal Shah, Director  
4<sup>th</sup> Floor Matulya Centre, A-Wing,  
Senapati Bapat Marg, Lower Parel (W)  
Mumbai MH 400 013 IN



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10.

[mehul.shah@timesgroup.com](mailto:mehul.shah@timesgroup.com)

Prashant Panday, CEO &amp; MD

Ground Floor,

Trade Gardens

Kamala Mills Compound

Senapati Bapat Marg,

Lower Parel (West), Mumbai – 400 013

...Respondents/Respondents

**PRAYER:** Contempt Petition filed under Section 11 of the Contempt of Court Act, 1971 to punish the respondents for their wilful disobedience of the order dated 27<sup>th</sup> April 2023 in C.M.A.No. 3293 of 2010 for Contempt of Court.

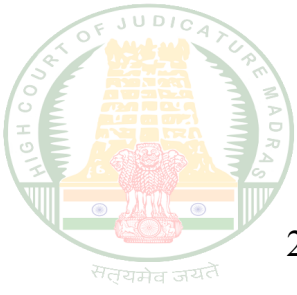
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For Petitioner : Mr. Srinath Sridevan  
for M/s. Adithya Reddy

For Respondents : Mr.G.Masilamani  
Senior Counsel for  
M/s. King and Partridge for  
Mr.Jose John

### **ORDER**

This Contempt Petition has been filed by the appellant in C.M.A.No. 3293 of 2010, Phonographic Performance Limited (PPL) under Section 11 of the Contempt of Court Act 1971 seeking to punish the respondents for their alleged willful disobedience of the common judgment order dated 27.04.2023 in C.M.A.No. 3293 of 2010.



2. In the affidavit filed in support of the petitioner, it had been stated that the Civil Miscellaneous Appeal was filed by the petitioner against the order of the Copyright Board dated 25.08.2010. The Judgment of this Court was passed on 27.04.2023. The relevant portion of the judgment of this Court were as follows:-

*“258. In view of the discussion above and in view of the answers to Point Nos.1 to 6, Point No.7 is answered as follows:*

*(1) It is held that the order of the Copyright Board, dated 25.08.2010 is not applicable to SIMCA and SIMCA is not bound by the royalty determined by the Copyright Board by the said order.*

*(2) The royalty determined by the Copyright Board at 2% of the net advertising revenue is upheld and additionally, the order is also modified by providing a minimum floor rate payable to the appellants at Rs.660/- (Rupees Six Hundred and Sixty only) per needle hour uniformly irrespective of the timing or city/town when the songs were played, since this order is with respect to the past decade 2010-2020.*



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*259.In the result:*

*(1) C.M.A.Nos.3490, 3491, 3492 and 3493 of 2010 filed by SIMCA are allowed and it is held that the order of the Copyright Board is not binding on SIMCA.*

*(2) C.M.A.Nos.3293, 3382 3383, 3384, 3385, 3387, 3388, 3389 and 3390 of 2010 filed by Phonographic Performance Limited, are partly allowed and the order of the Copyright Board is retained and further modified by fixing a minimum floor rate of Rs.660/- (Rupees Six Hundred and Sixty only) per needle hour, as declared in para 258(2) supra.*

*(3) C.M.A.Nos.3494, 3495, 3496, 3497, 3498, 3499, 3500, 3501 and 3502 of 2010 filed by Super Audio Madras Private Limited are also partly allowed and the order of the Copyright Board is retained and further modified by fixing a minimum floor rate of Rs.660/- (Rupees Six Hundred and Sixty only) per needle hour, as declared in para 258(2) supra.*



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*(4) Rew.ANos.8 to 11 2011 are dismissed, since orders have been passed in the corresponding Civil Miscellaneous Appeals. All connected Miscellaneous Petitions are closed.*

*(5)No costs.*

*(6)The respective parties are directed to put into effect this order within a period of four weeks from this date. ”*

3. It had been further stated that the respondents were aware of the just and had also filed an appeal before the Hon'ble Supreme Court. It had been further stated that the Hon'ble Supreme Court had made it clear that any payment made by the respondents consequent to the judgment of this Court would be subject to the outcome of the Special Leave Petition. The Hon'ble Supreme Court had refused to grant stay of the judgment of this Court.

4. Thereafter, there had been correspondence exchanges between the petitioner and the respondents. The petitioner had called upon the respondents to comply with the judgment of this Court. It had been stated



that the monthly statement of royalty from September 2010 till September 2020 amounted to Rs.52,60,82,453/-.

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5. The respondents had replied raising various issues and denying liability. They stated that the respondents had sought the monthly songs usage report along with the number of hours from September 2010 till September 2020.

6. It had been further stated that the petitioner again sent a statement giving the name of the station, month of usage, number of PPL hours, payment received as per 2% of net advertising revenue, conversion of the payment to Per Needle Hour, payment received as per Judgment, the payment already received as per 2% of net advertising revenue and the difference amount receivable.

7. It is contended that the respondents again raised various doubts and stated that the demand of the petitioner was one sided.

8. It had been stated that the respondents have been deliberately evading making any payment whatsoever. It had been further stated that



the respondents themselves had admitted in their Special Leave Petition that they are due and payable atleast to a sum of Rs.40,00,00,000/-. It had thus been stated that the respondents have deliberately taken a decision not to effect any payment. It is under those circumstances that this Petition has been filed seeking to punish the respondents for deliberate disobedience of the judgment of this Court.

9. A counter affidavit had been filed by the respondents stating that the respondents had always been prompt in paying the license fees as per the order of the Copyright Board. It had been stated that the judgment of this Court had created a burden on the respondents. The FM Radio Stations were still in their nascent stage of operations. It was also stated that the amount of Rs.40,00,00,000/- was not an admission of liability but a statement of the consequence of the Judgment. It had also been stated that the judgment of this Court was executable as a decree under Section 75 of the Copyright Act, 1957. It had been stated that the Contempt Petition had been filed only to coerce the respondents into making the payment. It had been stated that the operative portion of the Judgment directed both the parties to put into effect the judgment within a period of four weeks from the date of the judgment.



**WEB COPY 10.** It had been stated that the petitioner should have filed an Execution Petition under Order XXXIX of the Madras High Court, Original Side Rules read with Section 75 of the Copyright Act, 1957. It had further been stated that the contempt jurisdiction cannot therefore be invoked by the petitioner. It had been stated that the first respondent had sought clarifications and documents from the petitioner but unfortunately instead of complying with such request, the petitioner had filed this Contempt Petition. It had therefore been stated that the Contempt Petition should be dismissed.

11. Heard arguments advanced by Mr.Srinath Sridevan learned counsel for Mr. Adithya Reddy, learned counsel for the petitioner and Mr. G.Masilamani, learned Senior Counsel for M/s. King and Partridge for Mr.Jose John, learned counsel for the respondents.

12. Mr. Srinath Sridevan, learned Senior Counsel on behalf of the petitioner pointed out the judgment of this Court in the Civil Miscellaneous Appeal and stated that after the judgment had been passed, the petitioner had sent an E-mail to the respondents calling upon them to



comply with the directions of this Court. The learned counsel further pointed out that however the respondents have taken a hostile stand by denying and disputing their liability. They had sought for records. The learned Senior Counsel took the Court through the records which had been furnished and stated that the records are in consonance with the records already available with the first respondent. He stated that there is no dispute about the fact that the respondents had exploited the songs and had broadcasted them in their FM stations and had also made substantial profits through their Net Advertising Revenue. It had therefore been contended by the learned Senior Counsel that even if it is to be admitted that an Execution Petition should have been filed, the attitude of the respondents in disputing the liability indicates deliberate disobedience and refusal to comply with the judgment of the Court.

13. The learned Senior Counsel further pointed out that in the very grounds of Appeal filed by the respondents before the Hon'ble Supreme Court they had themselves stated that their liability would be Rs.40/- crores and therefore when they had crystalised that particular amount, it is only appropriate that they effect payment to the petitioner atleast that admitted amount. The learned Senior Counsel was insistent that the Contempt Petition is maintainable and must be allowed.



WEB COPY 14. The learned Senior Counsel pointed out that the Hon'ble Supreme Court had not granted stay of the judgment of this Court and had stated that any amount paid by the respondents would be subject to the final disposal of the Special Leave Petition. The learned Senior Counsel further stated that after this Court had issued statutory notice to the respondents in the contempt petition, again the respondents had approached the Hon'ble Supreme Court and again the Hon'ble Supreme Court had not granted any stay. Taking into consideration all these facts, it was contended that the respondents had committed wilful contempt of Court and therefore the Court should initiate appropriate steps in manner known to law against the respondents.

15. Mr.G.Masilamani, learned Senior Counsel appearing on behalf of the respondents however denied and disputed every contention raised. The learned Senior Counsel stated that in the Special Leave Petition, the respondents had stated the particular amount which had now been cast on them consequent to the judgment of this Court. The learned Senior Counsel stated that the said amount was not an admission of liability but had been projected only to show the difficulty which the

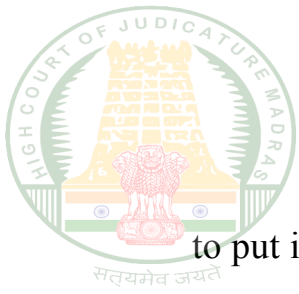


respondents would be put to if the judgment of the Court were to be complied with.

16. The learned Senior Counsel further pointed out Section 75 of the Copyright Act, 1957 and stated that the petitioner should obtain a certificate from the Registrar of the Copyright Board crystallising the amount due and payable and thereafter on the basis of such certificate should have filed an Execution Petition. The learned Senior Counsel stated that when law prescribes an act to be done in a particular manner then, it must be done only in that particular manner and in no other manner.

17. The learned Senior Counsel further stated that the petitioner had not forwarded the necessary details as sought for by the respondents and therefore stated that it was the fault of the petitioner in not assisting the respondents to determine the actual amount due and payable by the first respondent.

18. The learned Senior Counsel also pointed out the judgment passed by this Court wherein an obligation was placed on both the parties



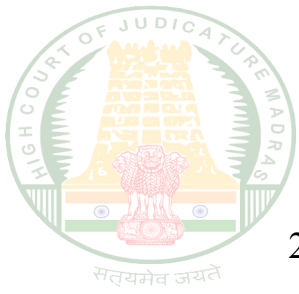
to put into effect the judgment of this Court within a period of four weeks.

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It was therefore stated that there was an obligation on the petitioner to obtain the certificate from the Registrar of Copyright Board as contemplated under Section 75 of the Copyright Act, 1957 and then file an Execution Petition. It was contended that filing the contempt petition was a coercive method adopted by the petitioner herein. The learned Senior Counsel wondered as to what was the contempt committed by the respondents. The learned Senior Counsel also pointed out that the petitioner had impleaded a string of respondents and that not all of them are answerable to the Court for contempt. It had therefore been contended that the petition should be dismissed.

19. I have carefully considered the arguments advanced and perused the materials available on records.

20. The facts are not in dispute. The petitioner had filed C.M.A.No. 3293 of 2010 against the order of the Copyright Board dated 25.08.2010. After hearing extensive argument, the Court had finally passed a common judgment in that appeal as well as in connected appeals.



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21. The operative portion of the judgment is as follows:-

*“258.In view of the discussion above and in view of the answers to Point Nos.1 to 6, Point No.7 is answered as follows:*

*(1)It is held that the order of the Copyright Board, dated 25.08.2010 is not applicable to SIMCA and SIMCA is not bound by the royalty determined by the Copyright Board by the said order.*

*(2)The royalty determined by the Copyright Board at 2% of the net advertising revenue is upheld and additionally, the order is also modified by providing a minimum floor rate payable to the appellants at Rs.660/- (Rupees Six Hundred and Sixty only) per needle hour uniformly irrespective of the timing or city/town when the songs were played, since this order is with respect to the past decade 2010-2020.*

*259.In the result:*

*(1) C.M.A.Nos.3490, 3491, 3492 and 3493 of 2010 filed by SIMCA are allowed and it is held that the order of the Copyright Board is not binding on SIMCA.*



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(2) *C.M.A.Nos.3293, 3382 3383, 3384, 3385, 3387, 3388, 3389 and 3390 of 2010 filed by Phonographic Performance Limited, are partly allowed and the order of the Copyright Board is retained and further modified by fixing a minimum floor rate of Rs.660/- (Rupees Six Hundred and Sixty only) per needle hour, as declared in para 258(2) supra.*

(3) *C.M.A.Nos.3494, 3495, 3496, 3497, 3498, 3499, 3500, 3501 and 3502 of 2010 filed by Super Audio Madras Private Limited are also partly allowed and the order of the Copyright Board is retained and further modified by fixing a minimum floor rate of Rs.660/- (Rupees Six Hundred and Sixty only) per needle hour, as declared in para 258(2) supra.*

(4) *Rew.ANos.8 to 11 2011 are dismissed, since orders have been passed in the corresponding Civil Miscellaneous Appeals. All connected Miscellaneous Petitions are closed.*

(5) *No costs.*



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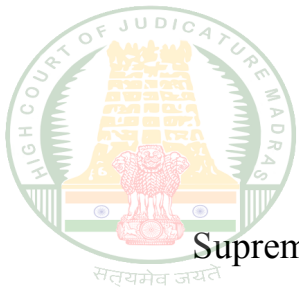


*(6)The respective parties are directed to put into effect this order within a period of four weeks from this date. ”*

22. Section 75 of the Copyright Act, 1957 is as follows:-

*“ Order for payment of money passed by Registrar of Copyrights and Copyright Board not to be executable as a decree:- Every order made by the Registrar of Copyrights or the Copyright Board under this Act for the payment of any money or by the High Court in any appeal against any such order of the Copyright Board shall, on a certificate issued by the Registrar of Copyrights, the Copyright Board or the Registrar of the High Court, as the case may be, be deemed to be a decree of a civil court and shall be executable in the same manner as a decree of such court.”*

23. There had been correspondences between the parties with the petitioner calling upon the respondents to comply with the directions and the respondents calling upon the petitioner to furnish details. The respondents have also filed Special Leave Petition before the Hon'ble



Supreme Court but stay had not been granted. One of the main grounds raised by the learned Senior Counsel on behalf of the petitioner is that in the Special Leave Petition, the respondents themselves have stated about the liability which now stares in their face. It was contended that since the respondents are aware of their liability to the petitioner, continued refusal to pay, would amount to contempt. It was also contended that the Hon'ble Supreme Court had not granted stay of the order but had rather directed that any amount paid would be subject to the final outcome of the Special Leave Petition.

24. In the background of the above said facts, it will have first to examined whether a contempt petition is maintainable or not since an argument was put forward on behalf of the respondents that an Execution Petition alone should have been filed and not contempt Petition.

25. In ***(2006) 11 SCC 114 [ Rama Narang Vs. Ramesh Narang and Ors.]***, the Hon'ble Supreme Court while examining the interplay between filing of an Execution Petition and a Contempt Petition had observed as follows:-



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“21. All decrees and orders are executable under the Code of Civil Procedure. Consent decrees or orders are of course also executable. But merely because an order or decree is executable, would not take away the Courts jurisdiction to deal with a matter under the Act provided the Court is satisfied that the violation of the order or decree is such, that if proved, it would warrant punishment under Section 13 of the Act on the ground that the contempt substantially interferes or tends substantially to interfere with the due course of justice..... ”

26. The Hon'ble Supreme Court in that Judgment had considered an earlier decision reported in **(2000) 4 SCC 400 [ R.N.Dey and Ors. Vs. Bhagyabati Pramanik and Ors]**. In that Judgment, the Hon'ble Supreme Court had held as follows:-

*“Further, the decree-holder, who does not take steps to execute the decree in accordance with the procedure prescribed by law, should not be encouraged to invoke contempt jurisdiction of the court for non-satisfaction of the money decree. In land acquisition cases when a decree is passed the State is in the position of a judgment debtor and hence the court should not normally lend help*



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*to a party who refuses to take legally provided steps for executing the decree. At any rate, the court should be slow to haul up officers of the Government for contempt for non-satisfaction of such money decree. ”*

27. In **(2014) 16 SCC 204 [ Ram Kishan Vs. Tarun Bajaj and Ors.]**, the Hon'ble Supreme Court had held as follows:-

*“9. Contempt jurisdiction conferred onto the law courts power to punish an offender for his wilful disobedience/contumacious conduct or obstruction to the majesty of law, for the reason that respect and authority commanded by the courts of law are the greatest guarantee to an ordinary citizens that his rights shall be protected and the entire democratic fabric of the society will crumble down if the respect of the judiciary is undermined. Undoubtedly, the contempt jurisdiction is a powerful weapon in the hands of the courts of law but that by itself operates as a string of caution and unless, thus, otherwise satisfied beyond reasonable doubt, it would neither fair nor reasonable for the law courts to exercise jurisdiction under the Act. The*

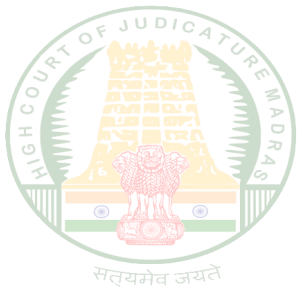


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*proceedings are quasi- criminal in nature, and therefore, standard of proof required in these proceedings is beyond all reasonable doubt. It would rather be hazardous to impose sentence for contempt on the authorities in exercise of contempt jurisdiction on mere probabilities.*

*10. Thus, in order to punish a contemnor, it has to be established that disobedience of the order is 'wilful'. The word 'wilful' introduces a mental element and hence, requires looking into the mind of person/contemnor by gauging his actions, which is an indication of one's state of mind. 'Wilful' means knowingly intentional, conscious, calculated and deliberate with full knowledge of consequences flowing therefrom. It excludes casual, accidental, bonafide or unintentional acts or genuine inability. Wilful acts does not encompass involuntarily or negligent actions. The act has to be done with a "bad purpose or without justifiable excuse or stubbornly, obstinately or perversely". Wilful act is to be distinguished from an act done carelessly, thoughtlessly, heedlessly or inadvertently. It does not include any act done negligently or involuntarily. The deliberate conduct of a person means that he knows what he is doing and intends to do the same. Therefore,*



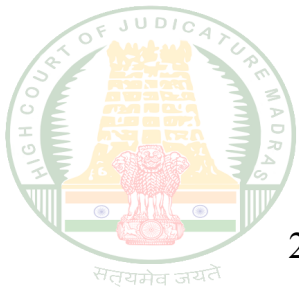
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*there has to be a calculated action with evil motive on his part. Even if there is a disobedience of an order, but such disobedience is the result of some compelling circumstances under which it was not possible for the contemnor to comply with the order, the contemnor cannot be punished. “Committal or sequestration will not be ordered unless contempt involves a degree of default or misconduct”. ”*

28. In (1992) 4 SCC 167 [*State of J and K Vs. Mohd. Yaqoob Khan and Others*], the Hon'ble Supreme Court had held as follows:-

*“6. .... The scope of a contempt proceeding is very different from that of the pending main case yet to be heard and disposed of (in future). Besides, the respondents in a pending case are at a disadvantage if they are called upon to meet the merits of the claim in a contempt proceeding at the risk of being punished. It is, therefore, not right to suggest that it should be assumed that the initial order of stay got confirmed by the subsequent orders passed in the contempt matter. ”*



29. The learned Senior Counsel for the petitioner insisted that the respondents have taken a decision to disobey the judgment of this Court.

He therefore insisted that since such disobedience is clearly discernible on the face of the records, the Court should proceed further with the Contempt Petition.

30. The learned Senior Counsel for the respondents however disputed this fact and stated that the liability of the respondents would arise only when a certificate had been issued by the Registrar of the Copyright Board is contemplated under Section 75 of the Copyright Act, 1957.

31. A perusal of the record shows that parties have indulged in exchanging correspondences with each other seeking details and providing details. At any rate, in the grounds of appeal filed before the Hon'ble Supreme Court, while impressing upon the Hon'ble Supreme Court to grant stay of the judgment, the respondents have themselves voluntarily stated that their liability would be a sum of Rs.40/- crores. Even though it had been stated by the learned Senior Counsel that this was not a reflection of their liability but an amount projected to show the



hardship that the respondents would suffer if stay is not granted, it could

also be argued that the hardship would be lessened if the respondents deposit such amount which if invested by the Registry would earn interest and the amount would only multiply. Disbursal of the amount could be decided on conclusion of the appeals before the Hon'ble Supreme Court. Refusal to even deposit that amount in Court reflects an intention to disregard the judgment of the Court. Once there is an element to consciously ignore and disregard a judgment of the Court, naturally, the party who so disregards a judgment of the Court will have to answer if any Contempt Petition is filed.

32. Viewing the entire issue from that angle, I hold that the respondents are aware of the amount they are due and payable to the petitioner but only because they view the Judgment with askance and contempt that they had taken a deliberate and wilful decision not to even deposit the amount. Even the Hon'ble Supreme Court had observed that any deposit would be subject to the final outcome of the Special Leave Petition. There was never any direction from any Court that the respondents should pay the appellants directly. It was always indicated that they should deposit the amount into Court to express bona fide. They



have decided not to. The Court will have to draw a conclusion that the respondents lack bona fide. But let me hand a small string to the respondents and direct the respondents to deposit 50% of the amount they had projected in their grounds of appeal in the Special Leave Petition against the judgment of C.M.A.No.3293 of 2010 within a period of four weeks from this date.

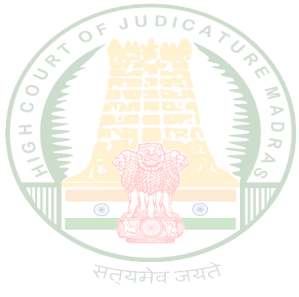
33. List the matter for reporting compliance on 30.08.2024. Further orders shall be passed if there is no compliance of this direction.

**31.07.2024**

vsg

Index: Yes/No

Speaking order / Non speaking order



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**C.V.KARTHIKEYAN, J.**

Vsg

Pre Delivery Order made in

**Cont.P.No. 2016 of 2023**