

REPORTABLE

ITEM NO.1503

COURT NO.2

SECTION IV-A

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

CONMT.PET.(C) No. 421-424/2016 In SLP(C) No. 6828-6831/2016

STATE BANK OF INDIA & ORS.

Petitioner(s)

VERSUS

DR. VIJAY MALLYA

Respondent(s)

Date : 11-07-2022 These petitions were called on for Pronouncement of order today.

Counsel for Parties:Mr. Jaideep Gupta, Sr. Adv.(AC)
Mr. Kunal Chatterji, AOR

Mr. Sanjay Kapur, AOR
Ms. Megha Karnwal, Adv.
Mr. Arjun Bhatia, Adv.
Ms. Shubhra Kapur, Adv.

Mr. Ankur Saigal, Adv.
Mr. E. C. Agrawala, AOR

M/S. Dua Associates, AOR

Mr. B.K. Prasad, AOR

Mr. Anand Sukumar, AOR

Mr. Dheeraj Nair, AOR

Mr. Vipin Kumar Jai, AOR

Hon'ble Mr. Justice Uday Umesh Lalit pronounced the reportable Order of the Bench comprising His Lordship, Hon'ble Mr. Justice S. Ravindra Bhat and Hon'ble Mr. Justice Pamidighantam Sri Narasimha.

The Contempt Petitions are disposed of in terms of the signed reportable Order. Relevant portion of the Order is quoted

hereunder:

"15. In the circumstances, in order to maintain the majesty of law, we must impose adequate punishment upon the Contemnor and must also pass necessary directions so that the advantages secured by the Contemnor or anyone claiming under him are set at naught and the amounts in question are available in execution of the decrees passed in the concerned Recovery Proceedings.

16. Considering the facts and circumstances on record and the facts that the Contemnor never showed any remorse nor tendered any apology for his conduct, we impose sentence of four months and fine in the sum of Rs.2,000/- (Rupees Two Thousand Only) upon the Contemnor. The fine shall be deposited in the Registry of this Court within four weeks and upon such deposit, the amount shall be made over to the Supreme Court Legal Services Committee. In case the amount of fine is not deposited within the time stipulated, the Contemnor shall undergo further sentence of two months.

We direct the Ministry of Home Affairs, Government of India, New Delhi to secure the presence of the Contemnor to undergo the imprisonment imposed upon him. Needless to say, Government of India including the Ministry of External Affairs and all other agencies or instrumentalities shall carry out the directions issued by this Court with due diligence and utmost expediency. A Compliance Report shall thereafter be filed in the Registry of this Court.

17. We also direct:

A. The transactions referred to in the Judgment and Order dated 09.05.2017 in terms of which the amount of US\$ 40 million was disbursed to the beneficiaries detailed in paragraph 16 of the said judgment and order is held to be void and inoperative;

B.The Contemnor and the beneficiaries under said transactions referred to in the said Paragraph 16 shall be bound to deposit the amount received by such beneficiaries along with interest at the rate of 8 per cent per annum with the concerned Recovery Officer within four weeks.

C.In case the amounts are not so deposited, the concerned Recovery Officer shall be entitled to take appropriate

proceedings for recovery of said amounts; and Government of India and all the concerned agencies shall extend assistance and complete cooperation. It shall be open to take such appropriate steps including the appointment of Forensic Auditor(s).

18. In the end, we must express our sincere gratitude and appreciation for the efforts put in by Mr. Jaideep Gupta, learned Senior Advocate who assisted this Court very ably as *Amicus Curiae*.

19. These contempt petitions, thus, stand disposed of."

Pending applications, if any, shall stand disposed of.

(INDU MARWAH)
COURT MASTER (SH)
(SIGNED

(VIRENDER SINGH)
BRANCH OFFICER

REPORTABLE ORDER IS PLACED ON THE FILE)