

NON-REPORTABLE
IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.5566 OF 2017
(Arising out of S.L.P.(C) No.36774/2016)

Anil Kumar Poddar & Anr. .. Appellant(s)

Versus

Reliance Industries Ltd. .. Respondent(s)

J U D G M E N T

KURIAN J.

Leave granted.

The appellant (Anil Kumar Poddar) is before this Court aggrieved by the order dated 22.09.2016 passed by the Division Bench of the High Court of Judicature at Bombay in Appeal (LDG) No.961 of 2015 in Contempt Petition No.54/2011 in Suit No.2077 of 2008. On the ground that the appellant violated the interim order dated 16.07.2008 passed in the Suit, an application for contempt was filed by the respondent. As per order dated 01.12.2015 learned Single Judge found that the appellant had willfully disobeyed the order of the Court and hence found him guilty of civil contempt. Accordingly, the appellant was imposed a punishment of simple imprisonment for a period of three months.

Being aggrieved the appellant moved the Division Bench in an intra-court appeal. The Division Bench declined to interfere with the order passed by the learned Single Judge. Hence, the appellant is before this Court.

During the pendency of the proceedings, it was brought to the notice of this Court that the appellant has indulged in publishing two articles commenting on the functioning of the NCLT, High Court and this Court. When the matter was taken up on 19th April, 2017, the appellant Shri Anil Kumar Poddar was present in Court, expressed his willingness to offer apology and he also filed an affidavit. He also tendered his apology in the open Court for his inappropriate conduct. The matter stood over to this date. Today when the matter was taken up it was pointed out that there is no unconditional apology on the part of the appellant as far as the publication of articles during the pendency of the proceedings before this Court. The appellant who is present before this Court, filed a modified affidavit. Paragraphs 2 to 4 of the affidavit read as follows:

"(2) That two articles written by me subsequent to the filing of the SLP were handed over by the Ld. Senior Counsel for the Respondent. I accept that the two articles are not worded properly and do not convey the general respect I have for

the judiciary. They were written in my unhappiness over certain verdicts of the NCLT and the High Courts in cases being dealt by me where I felt my statutory rights were violated. I unconditionally apologize for the tenor and content of those articles. I undertake to be more careful in future.

(3) As to the three articles dated 2nd July, 2011, 9th July, 2011 and 30th July, 2011 written by me against RIL, they were written under the bona fide belief that they would not be violative of the injunction. I tender an unconditional apology for the three articles. I also undertake to respect the injunction and not to publish anything against RIL and its officers until this injunction continues to operate. I understand this apology does not impair my rights to contest the suit or seek a variance or vacation of the injunction.

(4) Also, in light of what has transpired at the time of the hearing, I withdraw all averments relating to my apprehension of bias of the Ld. Single Judge who decided the contempt petition filed by RIL."

In view of the apology thus tendered by the appellant in Court as well as through affidavit, we are of the view that the punishment imposed upon the appellant needs to be modified. Therefore, the order of punishment imposed for three months simple imprisonment imposed upon the appellant is substituted with the apology tendered by the appellant which we have extracted above.

We direct the appellant to publish this apology in "Hamara Kaam" where the articles have been published, in the next issue. We make it clear that we have not gone into the larger question involved in this appeal.

The appeal is disposed of accordingly.

.....J.
[KURIAN JOSEPH]

.....J.
[R. BANUMATHI]

NEW DELHI,
APRIL 20, 2017.

ITEM NO.45

COURT NO.7

SECTION IX

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

Petition(s) for Special Leave to Appeal (C) No(s). 36774/2016
(Arising out of impugned final judgment and order dated 22/09/2016
in CP No. 54/2011 22/09/2016 in APP No. 961/2015 passed by the High
Court Of Bombay)

ANIL KUMAR PODDAR AND ANR

Petitioner(s)

VERSUS

RELIANCE INDUSTRIES LIMITED

Respondent(s)

(with appln. (s) for permission to file additional documents,
permission to file additional documents, permission to file
additional documents and interim relief and office report)

Date : 20/04/2017 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE KURIAN JOSEPH
HON'BLE MRS. JUSTICE R. BANUMATHI

For Petitioner(s) Mr. Prashant Bhushan, Adv.
Mr. Pranav Sachdeva, Adv.
Ms. Neha Rathi, Adv.
Mr. Soumik Ghosal, Adv.

For Respondent(s) Mr. Harish N. Salve, Sr. Adv.
Mr. Shyam Diwan, Sr. Adv.
Mr. K. R. Sasiprabhu, Adv.
Mr. Ashwin Dave, Adv.
Mr. Sharad Nigam, Adv.
Mr. Melanie D'Souza, Adv.
Mr. Gaurav Thakur, Adv.
Mr. Vishnu Sharma, Adv.
Mr. Udayaditya Banerjee, Adv.

UPON hearing the counsel the Court made the following
O R D E R

Leave granted.

The appeal is disposed of in terms of the signed
judgment.

Pending application(s), if any, shall stand disposed
of.

(USHA BHARDWAJ)
AR-CUM-PS

(RENU DIWAN)
ASSISTANT REGISTRAR

Signed judgment is placed on the file.