2025:DHC:337-DB

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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

Date of Decision: 23rd January, 2025

\+ **CONT.CAS. (CRL) 13/2024**

COURT ON ITS OWN MOTION .....Petitioner

Through: Mr. Rajiv Nayar, Sr. Adv, Mr. Dayan Krishnan Sr. Adv, Mr. Maninder Singh, Sr. Adv, Mr. Rishi Agrawala, Mr. Rahul Malhotra, Ms. Devika Mohan, Mr. Ankit Banati, Mr. Abhishek Anand, Ms. Manavi Agarwal, Ms. Kashish Mathur, Ms. Minal Kaushik, Ms. Sanjana Nair and Mr. Rishu Kant Sharma, Advocates for Vijay Srivastava.

versus

ROOP DARSHAN PANDEY AND ORS. .....Respondents

Through: Mr. Roop Darshan Pandey in person.
Ms. Anjali Sisodia for Ms. Neha Jain.
Mr. Deepak Dahiya, Advocate.
Mr. Atul Krishna, Journalist alongwith Mr. Advait Ghosh, Advocate for The New Indian.

CORAM:
JUSTICE PRATHIBA M. SINGH
JUSTICE AMIT SHARMA

Prathiba M. Singh, J. (Oral)

1. This hearing has been done through hybrid mode.

Background

2. The present contempt reference arises out of the order dated 28th October, 2024 passed by a ld. Single Judge of this Court in ***CRL.M.C. 5587/2024*** titled as ***Vijay Srivastava & Anr. v. State NCT of Delhi & Anr.*** The said CRL.M.C. was filed by Shri Vijay Srivastava and Hero Moto Corp.

Ltd. challenging the order dated 19th July, 2023 passed in ***Complaint Case No.187/2024*** wherein the ld. Judicial Magistrate directed registration of FIR against the Petitioner. The said complaint was filed on 21st July, 2024, by the contemnor Shri Roop Darshan Pandey, who was a director of Brain Logistics Pvt. Ltd. (hereinafter referred as '*BLPL'*).

Dispute between BLPL/Roop Darshan Pandey with Hero Moto Corp. Ltd.

3. The dispute between the contesting parties emanated out of a jobs contract dated 1st October, 2001 signed with BLPL, for providing manpower services at the spare parts division of the Petitioner company, which at the relevant point of time was referred as Hero Honda Motors Ltd. (*'HHML'*) and now known as Hero MotoCorp Ltd. (hereinafter referred as '*HML*'). The said contract was terminated on 30th March, 2010, on account of relations turning sore between the parties. The said agreement dated 1st December, 2005 contained an arbitration clause 24. The same was invoked by BLPL, by issuing notice dated 27th April, 2010. The Petitioner also changed their name from Hero Honda Motors Ltd. to Hero MotoCorp Ltd sometime in the year 2011.

4. Late Hon'ble Justice H.S. Bedi (Retd.) of the Supreme Court was appointed as the Sole Arbitrator for adjudication of the disputes between the parties on 27th April, 2012. The ld. Sole Arbitrator had rendered the award dated 20th May, 2018, which has been challenged before the Punjab & Haryana High Court. Vide the said arbitral award ld. Arbitrator awarded to BLPL, a sum of Rs.70,00,000/- towards short payments and interest @6% p.a. from April, 2010+Rs.1,25,000/- service charge along with interest @6% p.a. from March, 2010.

5. This contractual dispute, however, has unfolded into a plethora of criminal cases between the parties. Various allegations were raised by BLPL against HML and its officials. Various FIRs were sought to be registered raising allegations related to certain documents and certain PF issues. One such criminal complaint filed by BLPL against the company is ***Complaint Case No.187/2024***. In the said case, vide order dated 19th July, 2024, the ld. Magistrate, Karkardooma Court directed registration of FIR within three days. The said order was passed on Friday and the FIR was to be registered on Monday *i.e.*, on 22nd July, 2024.

6. The company HML and one of its officials filed a petition for quashing being ***CRL.M.C.5587/2024*** before this Court. In view of the urgency that an FIR would be registered in three days, the petition was sought to be mentioned for urgent listing by counsel for the Petitioners. Advance intimation of the same was given by an email on 22nd July, 2024 itself in the morning that the matter would be mentioned. Considering the advocate on record in the matter, the matter could not have been mentioned before the extant DB-I and the mentioning is stated to have been done before DB-II. Once mentioning was done, the Court (DB-II) had allowed the listing of the matter on the same day *subject to office objections*.

7. On 22nd July, 2024, notice was issued in ***CRL.M.C.5587/2024*** and an interim order was also passed by which the order of the ld. Magistrate dated 19th July, 2023 was stayed. The relevant portion of the order has been extracted below:

> *"1. Matter has been listed by way of the 'Supplementary List' and has been taken up in the post lunch session.*
> *2. By way of present petition, the petitioners seek quashing and setting aside of the order dated*

19.07.2024 passed by the learned Judicial Magistrate, Karkardooma Courts, Delhi in Complaint Case 187/2024 titled as 'Brains Logistics Pvt. Ltd. v. Vijay Srivastav and Ors.' whereby a direction has been given to register an FIR in pursuance of an application filed under Section 156(3) Cr.P.C. by the complainant/respondent No.2.

3. Learned Senior Counsels for the petitioners contend that the dispute pertains to an underlying Job Contract Agreement and a Supplementary Job Agreement both dated 01.10.2001 executed between the parties initially for a period of two years. Subsequently, in the year 2010, on account of relations turning sore between the parties, the Agreements were terminated, resulting in arbitration proceedings and passing of the arbitral award. It is next contended that the application filed by the complainant under Section 156(3) Cr.P.C. pertains to fabrication, and forgery of the PF challans concerning which, the present petitioners had already lodged an FIR No.842/2013 under Sections 120-B/418/420/467/468/471 IPC at P.S. Gurugram against the respondent/complainant in which the charges were framed against the complainant and its Director on 27.03.2018. Further, a challenge to the FIR by the complainant vide CRM-M No.25759 of 2021 was dismissed by the Punjab & Haryana High Court at Chandigarh vide order dated 03.12.2021. A challenge to the same, vide SLP (Crl) No. 808 of 2022 also came to be dismissed by the Supreme Court on 07.02.2022.

4. It is also stated that FIR No.303/2023 registered under Sections 463/467/468/471/34/477A/120B/406 IPC at P.S. Vasant Kunj North was filed by the complainant against the petitioners and its Director which has been stayed by this Court vide order dated 12.10.2023 passed in CRL.M.C.7480/2023.

Further, the complainant has also lodged another case being FIR No.6/2013 at P.S. Shakarpur, Delhi alleging fabrication of wages register of workmen,

misappropriation of wages, fabrication of PF challans in which a closure report has been filed twice by the police.

5. On the strength of above facts, learned Senior Counsels contend that the impugned order has been passed without due application of mind with respect to an application alleging same set of allegations concerning of forging, manufacturing PF challans. The complaint is not only motivated but also highly belated.

6. Issue notice.

7. Learned APP for the State accepts notice.

8. Let the notice be also issued to respondent No.2 by all permissible modes, returnable on 30.09.2024.

9. In the meantime, the directions contained in the impugned order for registration of FIR shall remain stayed, if not already acted upon."

The passing of the stay order is stated to have been intimated by HML's counsel to the Respondents on 22nd July, 2024 itself by two emails, one around 4.45 pm and the second email after 8 pm, when the copy of the order was received by ld. Counsel.

8. In respect of the said petition, various attempts were made by the Respondents raised baseless allegations against the Petitioner. Vide email dated 18th September, 2024 a legal notice was then served upon HML by a law firm called M/s. CPS Legal from its email address info@cfslegal.in. In the said notice, which is undated, various allegations were made by the said law firm representing BLPL to the following effect:

(i) That HML was indulging in forum shopping;

(ii) That the mentioning before DB-II was in defiance of the Roster as mentioning could only be done before the DB-I;

(iii) That allowing the petition to be listed subject to office objections means that all objections were to be cleared but various

objections were, in fact, not cleared;

(iv) Allegations were made against the Registry that it was manipulated;

(v) That the Registry ignored the endorsement made by DB-II at the time of mentioning and the case was listed *as it is* which was contrary to the noting which allowed the listing, *subject to the office objections*;

(vi) That false declaration was made by HML due to which the Registry generated the supplementary cause list thereby listing the matter in Court No.30 on 22nd July, 2024;

(vii) That an email was sent on behalf of HML at 4:48 p.m. whereas the order was uploaded by the Court only at 8:10 p.m.;

9. A perusal of the notice reveals that the notice is undated and is attached to an email dated 18th September, 2024. It does not give the name of the lawyer who has signed the notice. The names of the lawyers who were part of the firm are not reflected on the letter head. The bar council registration numbers of the lawyers are also not mentioned. The e-mail and the attachment are extracted here for perusal:

ANNEXURE A-1 (COLLY)

Vijay Srivastava <vijay1.srivastava@heromotocorp.com>

LEGAL NOTICE ON BEHALF OF BRAINS LOGISTICS PRIVATE LIMITED

CPS Legal <info@cpslegal.in> Wed, Sep 18, 2024 at 10:12 PM
To: vijay1.srivastava@heromotocorp.com, amiteshwarsingh@heromotocorp.com, pawanmunjal@heromotocorp.com, vikramkasbekar@heromotocorp.com, vasudhadinodia@chokola.in, pradeepdinodia@srdinodia.com, tonydhanoa@yahoo.co, dhiraj.kapoor@heromotocorp.com, camiletang@gmail.com, meleveetil.damodaran@gmail.com, M@damodaran.net, tinatrikha@gmail.com, kumar.rajnesh1958@gmail.com, niranjan.gupta@heromotocorp.com

Dear Concerned,

We are acting on behalf of our client, Brains Logistics Private Limited (**"our Client"**) and have got instructions from our client to serve you all (hereinafter referred to as **"Noticee"**) with the attached legal notice the contents of the same are self explanatory.

A copy of this notice has been retained at our office, for further necessary action.

Regards,

Team CPS Legal

CPS Legal

E-78, LGF, East of Kailash, New Delhi- 110065
http://www.cpslegal.in/

E-MAIL MESSAGE ALONG WITH ANY ATTACHMENTS IS INTENDED ONLY FOR THE ADDRESSEE and may contain confidential and privileged information. If the reader of this message is not the intended recipient, you are notified that any dissemination, distribution or copy of this communication is strictly Prohibited. If you have received this message by error, please notify us immediately, return the original mail to the sender and delete the message from your system.

Legal Notice-SGN.pdf
2337K

The legal notice itself is relevant and is extracted below:

CPS Legal
Advocates & Solicitors

LEGAL NOTICE
WITHOUT PREJUDICE

To,

1. **VIJAY SRIVASTAV**
   vijay1.srivastava@heromotocorp.com
   A/R of Hero MotoCorp Ltd formerly Hero Honda Motors Ltd in accordance to board resolution dated 30.08.2022 and 09.04.2024
2. **AMITESHWAR SINGH**
   amiteshwarsingh@heromotocorp.com
   A/R of Hero MotoCorp Ltd formerly Hero Honda Motors Ltd in accordance to board resolution dated 30.08.2022 and 09.04.2024
3. **PAWAN MUNJAL**
   pawanmunjal@heromotocorp.com
   Director and Signatory to the board resolution dated 30.08.2022 and 09.04.2024 of Hero MotoCorp Ltd
4. **VIKRAM SITARAM KASBEKAR**
   vikramkasbekar@heromotocorp.com
   Director and Signatory to the board resolution dated 30.08.2022 and 09.04.2024 of Hero MotoCorp Ltd
5. **VASUDHA DINODIA**
   vasudhadinodia@chokola.in
   Director and Signatory to the board resolution dated 30.08.2022 and 09.04.2024 of Hero MotoCorp Ltd

CPS LEGAL DELHI (Advocates)

Office at: E-78, LGF, East of Kailash, New Delhi-110065
Email: info@cpslegal.in

6. **PRADEEP DINODIA**
pradeepdinodia@srdinodia.com
Director and Signatory to the board resolution dated 30.08.2022 and 09.04.2024 of Hero MotoCorp Ltd

7. **B S DHANOA**
tonydhanoa@yahoo.co, dhiraj.kapoor@heromotocorp.com
Director and Signatory to the board resolution dated 30.08.2022 and 09.04.2024 of Hero MotoCorp Ltd

8. **CAMILLE TANG**
camilletang@gmail.com,
thru dhiraj.kapoor@heromotocorp.com
Director and Signatory to the board resolution dated 30.08.2022 and 09.04.2024 of Hero MotoCorp Ltd

9. **MELEVEETIL DAMODARAN**
meleveetil.damodaran@gmail.com, M@damodaran.net
Director and Signatory to the board resolution dated 30.08.2022 and 09.04.2024 of Hero MotoCorp Ltd

10. **TINA TRIKHA**
tinatrikha@gmail.com, dhiraj.kapoor@heromotocorp.com
Director and Signatory to the board resolution dated 30.08.2022 and 09.04.2024 of Hero MotoCorp Ltd

11. **JAGMOHAN SINGH RAJU**
Thru dhiraj.kapoor@heromotocorp.com
Director and Signatory to the board resolution dated 30.08.2022 and 09.04.2024 of Hero MotoCorp Ltd

12. **RAJNISH KUMAR**
kumar.rajinesh1958@gmail.com

Director and Signatory to the board resolution dated 30.08.2022 and 09.04.2024 of Hero MotoCorp Ltd

13. **HERO MOTOCORP LTD**

niranjan.gupta@heromotocorp.com

Through Niranjan Gupta – Managing Director and Signatory to the board resolution dated 30.08.2022 and 09.04.2024 of Hero MotoCorp Ltd

Office at Grand Plaza, Plot No. 2, Nelson Mandela Road, Vasanth Kunj, Phase – II, New Delhi 110 070

We are acting on behalf of our client, Brains Logistics Private Limited (**"our Client"**) and have got instructions from our client to serve you all (hereinafter referred to as **"Noticee"**) with the following legal notice: -

1. That you are aware that vide order dated 19.07.2024, the Ld. Magistrate Court allowed the application filed by our client (being CT. Case 187 of 2024, titled as ('Brains Logistics Private Limited Vs Vijay Srivastav And Ors.') and passed the following directions:

"9. Since, the allegations as narrated above prima-facie disclose commission of cognizable offence, therefore, SHO, PS Laxmi Nagar, is directed to register the FIR under appropriate sections of IPC/any other law with all the contents of complaint of the present case, to carry out the investigation in a fair and impartial manner and to conclude the same as expeditiously as possible which otherwise also is the mandate of the law. The FIR be

registered immediately and in not more than three days from receiving the order.

Copy of FIR be also filed in the Court within 3 days of the receipt of the order.

Copy of this order be sent to SHO, PS Laxmi Nagar through Naib Court.

Be listed on 30.07.2024"

2. **That the said Order dated 19.07.2024 was digitally signed by the Ld. Metropolitan Magistrate at 14:57:00 hours on 19.07.2024, as is evident from the following screenshot of said order:**

Copy of FIR be also filed in the Court within 3 days of the receipt of the order.

Copy of this order be sent to SHO, PS Laxmi Nagar through Naib Court.

Be listed on 30.07.2024.]

SONIKA

(SONIKA)
Judicial Magistrate First Class-04
East/KKD/Delhi/19.07.2024

Further, as per the above referred Court Order, the 'strict' timeline for the registration of an F.I.R and the submission of the copy of the same before the court by the police agency started on 19.07.2024 and ended on 22.07.2024.

3. **That at the instructions of you Noticee, an email was received by our Client at 8:57 AM on 22.07.2024 along with the advance copy of the criminal case of type CRL.M.C titled 'Vijay Srivastava & Anr Vs State & Anr'. That the said email stated**

that urgent mentioning of the above said criminal case would be made at 10:30 AM on 22.07.2024 before the Court Room 37 (DB-II of the Hon'ble High Court of Delhi), which was in defiance of the then roster in force, which mandated all urgent mentioning of all criminal cases to be '**only**' before the DB-I of the Hon'ble High Court. That the acts and conduct of you Noticee therefore amounted to '**forum shopping**', which is not permissible as per the applicable law.

4. That thereafter, **at 10:40 AM**, at the instructions of you Noticee, the Mentioning Performa set out by the Hon'ble High Court was filled up and submitted before the DB-II of the Hon'ble Court which was allowed with following specific endorsement:

   "*Mentioned at 10:40AM & allowed to be listed for today itself i.e. 22/7/24* ***subject to office objections*** *CM to HMJ R Shekhedar DB-II 22/7/24@ 10:40AM Sd/-.*"

5. That thereafter, **from 11:08 AM** dated 22.07.2024 onwards, you Noticee were well aware of the fact that the following defects / objections were recorded by the registry / office against the said criminal case (filed vide Dairy No. 2392507) in accordance to the Hon'ble High Court rules and practice:

   "***Bookmarking of synopsis missing. Annexure 6,13,18,21,22 not legible and be English translated. Impugned complaint be attached. Mentioning Performa be attached.***"

However, at the instructions of you Noticee, dishonest tactics and misrepresentation were adopted (while completely ignoring the endorsement made by the DB-II of the Hon'ble High Court, i.e. '***subject to office objections***') on account of which, the registry / office was manipulated to list the said criminal case, without removing the '**defects / objections raised by the registry**', thereby superseding and overreaching all the applicable High Court rules and practices as mandated by this Hon'ble High Court. It is noteworthy that the Mentioning Performa was not allowed listing of the criminal case '***as it is***' but allowed listing of said criminal case '***subject to office objections***', which objections are still reflecting in the court system, being not removed.

6. That at the instructions of you Noticee, further false declaration was made on the Index of the petition that "***3. The present petition arises out of same dispute from respondent no.2 which is pending adjudication before this hon'ble court in Crl. M.C No. 7480 of 2023, under which the proceedings has been stayed by order dt. 12.10.2023***". On account of said false declaration, the Ld. Registry generated the supplementary cause list and the present criminal case was got listed at serial no. 92 also before the Court Room no. 30 on 22.07.2024, which amounted to '**forum shopping**'.

7. That thereafter, the matter was heard post lunch and before the order was delivered and pronounced by the Hon'ble Court **at 8:10 PM** on 22.07.2024, at the instructions of you Noticee, an email was sent to the SHO PS Laxmi Nagar and SI Nitin

Tomar (i.e. concerned police official in subject matter police complaint) at 4:48 PM on 22.07.2024 with following purported 'Court' directions:

ADVANCE SERVICE- VIJAY SRIVASTAVA & ANR vs STATE OF NCT OF DELHI AND ANR

Devika Mohan <devikamohan6@gmail.com> Mon, Jul 22, 2024 at 4:48 PM
To: "dhcprosecutiondelhipolice@gmail.com" <dhcprosecutiondelhipolice@gmail.com>, "roopdarshan5@gmail.com" <roopdarshan5@gmail.com>, bisc@brains.in, Nitin Tomar <nitintomar61@gmail.com>, laksh@lakshkhanna.in, sho.laxminagar@delhipolice.gov.in

Dear Sir,

Today the matter was listed before HMJ Manoj Ohri as item 92.
The Petition is attached herewith, for your kind perusal.
The Hon'ble Court has stayed the operation of the order passed by the Ld MM which is at page 62-64 (Annexure 1) of the petition
Accordingly in compliance of the Order passed today you are requested not to register any FIR ,in relation to the impugned order passed by the LD MM .
The moment the Order is received from the Court , the same shall be shared with you

Kindly note that the next date of hearing in the said matter is 30.9.24
Yours sincerely.

VIJAY SRIVASTAVA & ANR VS STATE OF NCT - CRL.MC ... ;OF 2024 - FINAL (1)-2.pdf

Devika Mohan,
Advocate
Mob.: +91 9560044698
Chamber No. 163, Lawyers' Chamber Block I,
High Court of Delhi, Shershah Suri Marg, Delhi.

It is noteworthy that you Noticee got the said email sent only to project to the concerned police officer (i.e. SHO Laxmi Nagar and SI Nitin Tomar) to believe in the contents of said email, as if the same were the directions issued by the Hon'ble High Court in the said matter at the time of sending said email (i.e. at 4:48 PM on 22.07.2024), while knowing fully well that no order was passed by the Hon'ble Court up till 8:10 PM on

22.07.2024, which is evident from the following screenshot of the said order:

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* IN THE HIGH COURT OF DELHI AT NEW DELHI

\+ CRL.M.C. 5587/2024

VIJAY SRIVASTAVA & ANR. ....Petitioners

Through: Mr.Mukul Rohatgi, Mr.Rajiv Nayyar, Mr.Maninder Singh, Sr. Advocates with Mr.Rishi Agrawala, Mr.Rahul, Ms.Devika Mohan, Mr.Ankit, Mr.Abhay, Mr.Prabhav, Mr.Harsh, Mr.Kushish, Ms.Satyeqita and Mr.Saurabh, Advocates

versus

STATE NCT OF DELHI AND ANR. ....Respondents

Through: Mr. Lokesh Khanna, APP for State with SI Nitin Tomar

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

% 22.07.2024

CRL.M.A. 21329/2024 (exemption)

1. Allowed, subject to all just exceptions.

2. The application is disposed of.

CRL.M.C. 5587/2024 and CRL.M.A. 21318/2024 (stay)

1. Matter has been listed by way of the "Supplementary List" and has been taken up in the post lunch session.

2. By way of present petition, the petitioners seek quashing and setting aside of the order dated 19.07.2024 passed by the learned Judicial Magistrate, Karkardooma Courts, Delhi in Complaint Case 187/2024 titled as "Brains Logistics Pvt. Ltd. v. Vijay Srivastav and Ors." whereby a

It is noteworthy that the last para of above referred order duly recorded that "*9. In the meantime, the directions contained in the impugned order for registration of FIR shall remain stayed, if not already acted upon.*", i.e. the Hon'ble Court had presumed while digitally signing its order at 08:10 PM (on 22.07.2024) that the police official (SI Nitin Tomar) may have

already acted upon the Ld. Judicial Magistrate Court order dated 19.07.2024 and therefore registered an F.I.R.

From the foregoing, it is evident that you Noticee clearly had no occasion available to have instructed the police officials (SHO / SI Nitin Tomar) through the said email sent **at 4:48 PM** on 22.07.2024 and projected as if the Hon'ble High Court had already passed an order with the following purported directions: '***Accordingly in compliance of order passed today you are requested not to register any FIR***'.

8. That therefore you Noticee in furtherance of your criminal conspiracy, deliberately indulged in passing instructions for sending email **at 4:48 PM** on 22.07.2024 with false information (as to order passed by Hon'ble High Court of Delhi, knowing fully well that no order was in fact passed at that point in time), with an intent to cause the police officials at PS Laxmi Nagar to believe the contents of said email about court order to be true, with an intent to cause injury to our Client, by preventing lodging of FIR as per the order of the Ld. Magistrate court. That the above narrated acts clearly qualify as a criminal offence under Section 217, 61 of BNS.

9. That the above narrated criminal acts of you Noticee are further fortified when at your instructions, yet another email was sent **at 10:06 PM** on 22.07.2024 with copy of said Hon'ble High Court order to SI Nitin Tomar much later (i.e. after the same was uploaded on the Court server, post affixation of digital signatures by HMJ Manoj Kumar Ohri **at 08:10 PM** on

22.07.2024), as is evident from the following email issued at the instructions of you Noticee:

ADVANCE SERVICE- VIJAY SRIVASTAVA & ANR vs STATE OF NCT OF DELHI AND ANR
1 message

Devika Mohan <devikamohan6@gmail.com> Mon, Jul 22, 2024 at 22:08
To: dhcprosecutiondelhipolice@gmail.com <dhcprosecutiondelhipolice@gmail.com>, roopdarshan5@gmail.com <roopdarshan5@gmail.com>, blsc@bsalss.in, Nitin Tomar <nitintomar51@gmail.com>, laksh@lakshkhanna.in, sho.lisreniagar@delhipolice.gov.in

Kindly find the Order passed today in the above captioned matter attached herewith for your kind perusal.

Yours sincerely,

Devika Mohan,
Advocate
Mob.: +91 9560844698
Chamber No. 163, Lawyers' Chamber Block I,
High Court of Delhi, Shershah Suri Marg, Delhi.

This message contains legally privileged and confidential information and is for the use of the addressee only. If the reader of this message is not the intended recipient, you are hereby cautioned that any dissemination, distribution or copying of this communication is prohibited. If you have received this transmission in error, please immediately notify the undersigned by return email and delete this message from your system.The undersigned does not guarantee the security of any information transmitted through email and is not liable for any interception, corruption or delays. Anyone communicating with the undersigned by email accepts the risks of email communications and their consequences.

[Quoted text hidden]

You have, therefore, prima-facie indulged in the act of 'forum shopping' and further committed an offence of Sec. 217, 61 BNS on prima facie basis, which has resulted in the injury, harassment and humiliation of our Client. Before, initiating action against you Noticee available under applicable law, Our Client hereby calls upon you all Noticee to clarify within 3 days after receiving present notice, if the above narrated acts of 'forum shopping' and act of sending above referred email dated 22.07.2024 at 4:48 PM, **were at your instruction, OR** the same were the independent acts of the sender?

In case no response is received to the present notice, it shall be presumed by our Client that the act of 'forum shopping' and sending of email with false information as to court direction were initiated at the instructions of you

Noticee and appropriate action against you Noticee shall be initiated on that basis, which shall entirely be at your risks, costs and consequences.

A copy of this notice has been retained at our office, for further necessary action.

For CPS LEGAL

10. The notice reveals that allegations were made regarding the mentioning of the matter and the Registry's clearing of defects and the listing of the matter. Having perused this notice, on 3rd October, 2024, an application was then filed by HML seeking to place on record the said email dated 18th September, 2024 along with the notice. The said application was listed on 23rd September, 2024 and was thereafter taken up by the Court on 3rd October, 2024. On the said date, the Court noticed that Mr. Roop Darshan Pandey has signed every page of the notice. It was also argued that the notice is contemptuous against the High Court and casts aspersions on the Registry. The said notice was also published on the online news media platform 'The New Indian' authored by Mr. Atul Krishna on 23rd September, 2024 on the 'X' handle (previously known as '*Twitter*') of 'The New Indian'. It was urged on behalf of the Company that the publication of this legal notice was also an attempt to scandalize the Court. The Court on the said date came to the *prima facie* conclusion that the allegations were malicious and contemptuous. The

observations of the Court are as under:

> *"16. This Court has perused the contents made in the undated legal notice. During the course of proceedings, the learned senior counsel for the applicant/petitioner no. 2 handed over a copy of a news article dated 23rd September, 2024 published by one Mr. Atul Krishna on an online news media platform namely "The New Indian". He also handed over a copy of the post published on the handle of "The New Indian" on "X" (formerly known as Twitter). The said documents are taken on record.*
>
> *17. Upon perusal of the contents of the above said notice, as well as the contents of the news article dated 23rd September, 2024 and post made on "X" (formerly known as Twitter), it is made out that prima facie the same contains malicious and contemptuous allegations which not only seek to scandalise, interfere with the administration of justice, but also makes false assertions, cast aspersions on the entire institution and the Registry of the High Court, and therefore, lower the dignity and authority of the High Court. In light of the same, this Court is of the view that the contents made in the said notice makes serious allegations against the Registry of the High Court by stating that the petitioner has allegedly manipulated the Registry of the High Court by tactics and misrepresentation.*
>
> *18. It is observed by this Court that the non-applicant/respondent no. 2 in the said legal notice stated that the Predecessor Bench, in its order dated 22nd July, 2024, has "presumed" certain facts while passing the directions in the said order. This Court is shocked at the conduct of the respondent no. 2, whereby, it has alleged that the Court has passed the directions in the said order on the basis of presumptions and the same amounts to making of contemptuous remarks against the High Court and the entire institution."*

11. Notice was issued to 'The New Indian' and 'X' platform. Thereafter on 28th October, 2024, the Court after hearing parties observed that the aforesaid act of Respondent No.2-Brain Logistics Pvt. Ltd. is contemptuous and malicious in intention and therefore action for criminal contempt be initiated against the Respondent No.2 , The New Indian and its correspondent, Mr. Atul Krishnan. The relevant portion of the said order is as under:

> *"9. Keeping in view the above facts and circumstances and material placed on record, this Court is prima facie satisfied that acts committed by respondent no.2 of issuing a legal notice though the counsel which contains certain allegations which tend to not only scandalize and interfere with the administration of justice, but also make false assertions, cast aspersions on the Delhi High Court, and also lowers the dignity and authority of the entire institution, ultimately affecting the judicial system. Issuing of legal notice containing baseless allegations against the High Court and making it available in the public domain is an instance of misconduct, thereby, prima facie amounting to contempt of Court.*
>
> *10. In light of the aforesaid discussions, this Court is of the considered view that the aforesaid act of the respondent no. 2 carries contemptuous/malicious intention in terms of Section 15 (3) of the Contempt of Courts Act, 1971 and Article 215 of the Constitution of India, and therefore, criminal contempt proceedings is liable to be initiated against the respondent no. 2.*
>
> *11. Accordingly, subject to orders of Hon'ble the Chief Justice, list before the Division Bench on 5th November, 2024 to initiate criminal contempt proceedings against the respondent no. 2, 'The New Indian' and Mr. Atul Krishna."*

12. The present matter *i.e.*, ***CONT. CAS. (CRL.)13/2024*** was then listed before this Bench on 5th November, 2024 and after considering the matter as

also the fact that the dispute was primarily a contractual dispute, the matter was sent to mediation on 6th November, 2024. The relevant paragraphs of the said order are listed below:

> *"7. The Court has also considered the matter and it is clear that the entire dispute arises out of one Jobs Contract dated 1st October 2001, which was entered between the firm Respondent No. 2-Brains Logistics Private Limited through its Director Mr. Roop Darshan Pandey and the company Hero MotoCorp Limited/ Hero Group. The said contract was terminated by the Petitioner No. 2-Hero Motocorp Ltd. on 30th March, 2010, which resulted in an arbitral award dated 20th May, 2018, passed by ld. Tribunal consisting of a retired Supreme Court judge. Challenge in respect of the said award under Section 37 of the Arbitration and Conciliation Act, 1996 is stated to be pending before the Punjab and Haryana High Court being* ***FAO(CARB) No.12/2019****.*
>
> *8. Be that as it may, since these criminal disputes and cases have arisen out of one contractual dispute, Mr. Nayar, ld. Sr. Counsel on instructions and Mr. Dahiya, ld. Counsel on instructions from Mr. Roop Darshan Pandey, who is present in Court submit that parties are willing to explore negotiation and try an amicable resolution on the disputes.*
>
> *9. Accordingly,* ***Mr. J.P. Sengh, ld. Sr. counsel [M:9810034286]*** *and Mediator is appointed as a Mediator in this matter. The ld. Mediator shall hold mediation sessions and shall submit a report by 2:30 p.m. tomorrow.*
>
> *10. In the mediation proceedings, two persons from each side shall participate. On behalf of the Respondents-Mr. Deepak Dahiya, Advocate along with Mr. Roop Darshan Pandey shall participate. On behalf of the Petitioner-Mr. Rishi Agrawala, Advocate and Mr. Vijay Srivastava, competent official from the Petitioner company shall participate."*

13. On 7th November, 2024, after considering the fact that unnecessary allegations were made in the legal notice, the Court directed the counsels to file an appropriate affidavit explaining their understanding of the terms "*subject to office objections*". On the said date, Mr. Roop Darshan Pandey also informed the Court that the allegations of forum shopping were made by him in the legal notice on the advice of his two Counsels - Mr. Deepak Dahiya and Mr. Mohit Yadav. In view of the same, the Court directed as under:

> *"4. Further, in pursuance to the direction issued by the Court yesterday in the present matter, Mr. Mohit Yadav, Advocate who had addressed the legal notice along with e-mail dated 18th September, 2024 is present today. He tenders an apology to the Court.*
>
> *5. The language in the legal notice compels this Court to direct Mr. Dahiya and Mr. Yadav to file an affidavit explaining the meaning of the terms "subject to office objections", qua which in the legal notice allegations have been made against the Registry of this Court as well.*
>
> *6. Mr. Dayan Krishnan, learned Senior Advocate has further pointed out the allegations made in the said legal notice in paragraph nos. 3 and 4. Petitioner no.1- Mr. Roop Darshan Pandey, who is present in Court states upon being queried as to how he acquired knowledge of the Roster and why he made allegations of forum shopping, he states that he consulted with the lawyers Mr. Dahiya and Mr. Yadav. Let both the Counsels file an affidavit in this regard.*
>
> *7. In addition, Mr. Dahiya and Mr. Yadav shall also state in their affidavit as to what are the compliances that have been undertaken in view of yesterday's order, which require the full name, the Bar Council registration number, website details etc. to be mentioned in every notice. Let the said affidavit be filed by Monday i.e., 11th November, 2024.*

8. Parties shall bring a list of all the proceedings pending between them on the next date of hearing."

14. As can be seen from the above, the Counsels were directed to file affidavits and the list of all the litigations pending between the parties. On 17th December, 2024, arguments were heard. As per the said order, Mr. Mohit Yadav and Mr. Deepak Dahiya had both filed affidavits. Mr. Roop Darshan Pandey had also filed an affidavit. He however did not engage any counsel to represent him. After hearing the arguments on behalf of the HML, the two lawyers and Mr. Pandey himself, the hearing was concluded and the matter was listed for orders.

Submissions

15. The submissions on behalf of HML is as under:

i. Mr. Pandey has abused the process of the Courts repeatedly. He has converted a contractual dispute into multiple criminal cases.

ii. It is highlighted that both the matters arise out of the same contract and the same arbitration proceedings. The allegations are also similar, *i.e.*, use of Hero MotoCorp Limited seal for attesting the true copy of documents which were belonging to Hero Honda Motors Limited, the predecessor in the interest company. The use of the said seal is stated to be only due to a name change which took place and all the allegations in the criminal complaint being filed are on the basis of the said true copy attestation.

iii. Mr. Dayan Krishnan, ld. Counsel also points out that even recently another notice has been issued by Mr. Pandey on 15th

December, 2024 to the entire board of directors of HML, making allegations of forgery of the Board Resolution. In this manner, Mr. Pandey continues to harass the company as also all its officials.

iv. The ld. Senior Counsel has also brought to the notice of the Court, the order of the Punjab and Haryana High Court dated 11th September, 2024, which again notes all the proceedings which are pending and the manner in which multiple applications, petitions, criminal complaints are being filed against the company and its officials. The observations in the said order are referred to.

v. It is further submitted that the entire attempt of Mr. Pandey is to merely extort a substantial sum of money. Though, the company is willing to pay the amount as per the Arbitral award along with the interest, he is unwilling to take the same and is subjecting the company and its officials to continuous harassment in this manner.

16. Mr. Deepak Dahiya submits that he has not issued the notice and that he is not a part of CPS Legal. It is submitted that the notice was signed by Mr. Mohit Yadav, though, his name does not appear in the legal notice. Mr. Dahiya submitted that from the signature, it can be deciphered that Mr. Yadav has signed the legal notice. Mr. Dahiya submits that the unconditional apologies have been submitted both on behalf of himself and Mr. Mohit Yadav and the legal notice which was given has also been withdrawn.

17. Mr. Pandey himself submits that he has filed his affidavit and he does not wish to say anything more. He further seeks to defend the email dated 15th

December, 2024 to the Board of Directors on the ground that since the Board Resolution is forged, the Board of Directors ought to have been aware of the same.

18. On behalf of New Indian, Mr. Atul Krishnan- the journalist, and Mr. Advait, ld. Counsel submit that the legal notice was published on the Journalist's Twitter account. On a query from the Court as to whether any verification relating to the contents was done, Mr. Atul Krishnan submits that except calling the company, no other steps was taken. He specifically states that no checking and verification was done from the High Court Registry in respect of allegations in the said legal notice. He also informs the Court that he does not wish to disclose the source of the legal notice, which he wished to keep as confidential. Finally, he submits that he unconditionally apologies to the Court and undertakes to be careful in future whenever such publishing is done by him.

Analysis and Conclusions

19. The Court has perused the record. It is seen that Mr. Pandey and his company - BLPL have filed multifarious cases in various forums including criminal complaints against HML, its directors and its promoters. The details of the said cases are as under:

S. No	Case No./Date (A)	Place (B)	Particulars / Allegations (C)	Present Status (D)
1)	Application Dated 06.11.2019	Gurugram Court	Application for passing orders against Mr. Pawan Munjal and his associate for impersonation and for committing fraud with court.	Pending adjudication before Gurgaon District Court.
2)	CM/1436 of 2019 titled as "Roopdarshan Pandey vs. Pawan Munjal" dated 16.11.2019	Gurugram Court	Application for initiating criminal proceedings against Mr. Pawan Munjal and his Associate for impersonation.	Stayed by Hon'ble Punjab and Haryana High Court in CRM-M 3688/2020 vide order dated 28.01.2020. CRM-M 3688/2020 is next listed on 19.02.2025.
3)	CP/13 of 2019 titled as "Roopdarshan Pandey Vs. Hero MotoCorp Ltd Through Its AR Amiteshwar Singh and Ors."dated 03.12.2019	Gurugram Court	Contempt petition against Hero MotoCorp Ltd. and its directors for impersonation.	Stayed by the Hon'ble Punjab and Haryana High Court in CR 7792/2019 vide Order dated 05.12.2019. CR 7792/2019 is next listed on 19.02.2025.
4)	CRM/225 of 2020 titled as "Roopdarshan Pandey vs Hero	Gurugram Court	Application for initiating criminal proceedings against Hero MotoCorp Ltd and its directors for forgery of court record by inserting "Filed on	Stayed by the Hon'ble Punjab and Haryana High Court in CRM-M 4205/2021 vide

S. No	Case No./Date (A)	Place (B)	Particulars / Allegations (C)	Present Status (D)
	MotoCorp Ltd through Shri Amiteshwar Singh and Ors." dated 14.12.2020		16.11.2019".	Order dated 29.01.2020. CRM-M 4205/2021 is next listed on 19.02.2025.
5)	CRM/192 of 2021 titled as "Roopdarshan Pandey vs. Anand Vardhan & Ors." dated 19.07.2021	Gurugram Court	Application for prosecution for falsely deposing under the affidavit	Dismissed on 02.09.2022
6)	CRM/208 of 2021 titled as "Roopdarshan Pandey vs. Anand Chand Burman & Ors." dated 23.09.2022	Gurugram Court	Application for initiating criminal proceedings against the ex-directors of Hero MotoCorp Ltd.	Dismissed on 23.09.2022
7)	COCP/790 of 2021 titled as "Brains Logistics Private Limited vs. Pawan Munjal, MD and CEO in Hero MotoCorp Limited" dated 18.03.2021	Punjab and Haryana High Court	Contempt petition filed by Respondent No.3 for violation of orders passed by Hon'ble High Court.	Pending before Punjab and Haryana High Court and is next listed on 17.09.2024.
8)	CRM-M/ 21622 of 2021 titled as Roopdarshan Pandey vs. Hero MotoCorp Limited and Ors." dated 20.05.2021	Punjab and Haryana High Court	Petition filed by Respondent No.3 against Hero MotoCorp Ltd for tampering the record of judicial proceedings by inserting "Filed on 16.11.2019"	Pending before Punjab and Haryana High Court. CRM-M 21622/2021 is next listed on 19.02.2025.
9)	COCP 850 of 2021 titled as "Brains Logistics Private Limited vs.	Punjab and Haryana High Court	Contempt Petition filed by Brains Logistics Private Limited against Mr. Pawan Munjal	Dismissed as withdrawn on 18.11.2021

S. No	Case No./Date (A)	Place (B)	Particulars / Allegations (C)	Present Status (D)
	Pawan Munjal" dated 01.04.2021			
10)	CRM/52 of 2021 titled as Roopdarshan Pandey vs. HDFC Bank Limited and Ors." dated 01.03.2021	Gurugram Court	Application for prosecution for manipulating the accumulated interest on Bank Guarantee.	Dismissed on 23.05.2022.
11)	COMI/4 of 2018 titled as "Roopdarshan Pandey vs. Hero MotoCorp Limited and Anr." dated 05.01.2018	Gurugram Court	Application filed for issuance of process for tampering of judicial records in the chargesheet dated 15.07.2015 filed in FIR 842 of 2013	Pending before Gurugram District Court.
12)	CM/1741 of 2018 titled as "Brains Logistics Private Limited vs. Hero MotoCorp Limited through Principal Employer and MD" dated 08.10.2018	Gurugram Court	Application seeking directions to issue notice to managing Director to appear in person for violation of order dated 27.09.2018 passed by Hon'ble Punjab and Haryana High Court	Application was disposed of on 31.10.2018 in EXE 1877/2018.
13)	Exec/1814 of 2019 titled as "Roopdarshan Pandey vs Pawan Munjal" dated 04.10.2019	Gurugram Court	Fresh Execution case filed by Respondent No. 3 titled 'Roop Darshan Pandey Vs. Pawan Munjal'. Application filed by Respondent No. 3 seeking a direction to Petitioner to furnish Bank Guarantee of an amount with up-to-date interest.	Pending adjudication before Gurgaon District Court. Execution stayed by Hon'ble Punjab and Haryana High Court vide order dated 13.11.2019 in FAO CARB 12/2019 (Section 37 petition filed by Hero MotoCorp Ltd.) FAO CARB 12/2019 is next

S. No	Case No./Date (A)	Place (B)	Particulars / Allegations (C)	Present Status (D)
				listed on 12.09.2024.
14)	CRM-M/ 25759 of 2021 titled as "Roopdarshan Pandey vs. State of Haryana and Ors." dated 08.06.2021	Punjab and Haryana High Court	Quashing petition to quash FIR no. 842 of 2013 and chargesheet dated 27.03.2018	Dismissed on 03.12.2021
15)	CRM 70 of 2022 titled as "Roopdarshan Pandey vs. Neerja Sharma & Ors." dated 10.02.2022	District and Sessions Court, Gurugram	Application filed by Roopdarshan Pandey under Section 340 CrPC alleging forgery of Board Resolution dated 19.07.2019	Dismissed on 30.03.2022
16)	SLP. (Crl). 808 of 2022 titled as "Roopdarshan Pandey vs. State of Haryana and Ors." dated 12.01.2022	Hon'ble Supreme Court of India	Special Leave Petition against dismissal of quashing petition	Dismissed on 07.02.2022
17)	CRR/449 of 2022 titled as "State of Haryana and Anr." dated 12.09.2022	Gurugram Court	Revision petition against order dated 06.09.2022.	Pending before Gurugram District Court
18)	CP 17 of 2019 titled as "Roopdarshan Pandey vs. Samarjeet Banerjee and Ors." dated 20.12.2019	Gurugram Court	Application for tampering with order dated 17.01.2019 passed by District Court, Gurugram.	Dismissed on 23.07.2024.
19)	CRM-M/ 35263/2024 titled as "Brains Logistics vs Hero MotoCorp Ltd and Ors."	Hon'ble Punjab & Haryana High Court at Chandigarh	Petition under Section 340 CrPC alleging forgery of Board Resolution dated 19.07.2019.	Tagged with CRM-M 21622/2019 by Hon'ble Punjab & Haryana High Court vide Order dated 25.07.2024. Pending before Hon'ble Punjab &

S. No	Case No./Date (A)	Place (B)	Particulars / Allegations (C)	Present Status (D)
	dated 04.07.2024			Haryana High Court. CRM-M 21622/2019 is next listed on 19.02.2025
20)	**FIR 6/2013** Sections: 120B, 406, 420, 467, 468, 471 IPC.	Delhi District Court, Karkardooma	FIR registered by Brain Logistic Private Limited against new contractor and HeroMoto Corp. Ltd. CR Case 1387/2018 titled "State vs Mandeep Singh and Ors" was registered pursuant to the same. Police has filed second closure report and BLPL has filed 2nd Protest Petition. Interim orders granted by High Court in CRLMC 2451/2013	
21)	**FIR 303/2013** Sections: 463. 467,468, 471, 34, 477A, 120B, 406 IPC	Patiala House District Court, Delhi	FIR registered by Roop Darshan Pandey against the Director and officials of Hero MotoCorp Ltd. pending before Ld. MM, Patiala House Court. CT-CASE 2038/2021 titled as *"Brains Logistic Pvt. Ltd. v. Pawan Munjal & Ors"* on going before the District and Sessions Court. Stay on investigation granted.	Stay on investigation granted by Hon'ble Delhi High Court in CRL MC 7480/2023 vide order dated 12.10.2023.
22)	CC/9456/2020 titled as "Roopdarshan Pandey vs Hero MotoCorp Ltd & Ors" dated 23.10.2020	Delhi District Court, Patiala House	Application under Section 156(3) CrPC	Notice yet to be issued
23)	CT/3734/2020 titled as "Roopdarshan pandey vs Sumit Grover & Ors" dated	District Court Delhi, Saket	Complaint against consultant Company Secretary of HMCL alleging forgery.	Stayed by Hon'ble Delhi High Court in CRLMC 5577/2024 vide order dated 23.07.2024.

S. No	Case No./Date (A)	Place (B)	Particulars / Allegations (C)	Present Status (D)
	20.08.2020			
24)	CT Case 2038/2021 titled as "Brains Logistics Pvt. Ltd. Vs. Pawan Munjal & Ors." dated 11.12.2021	District Court Delhi, Patiala House	Registered pursuant to FIR No. 303 of 2013 alleging forgery by affixing stamp of Hero MotoCorp Limited on document made in 2009.	Stay on investigation granted by Hon'ble Delhi High Court in CRL MC 7480/2023 vide order dated 12.10.2023
25)	CRM 344 of 2024 titled as Brains Logistics vs Vijay Srivastava	District and Sessions Court, Gurugram	Application under section 340 CrPC	Notice yet to be issued
26)	CRM 320 of 2023 titled as Brains Logistics vs Pawan Munjal and Anand Vardhan.	District and Sessions Court, Gurugram	Application under section 340 CrPC	Notice yet to be issued
27)	FIR No.303/ 2023 dated 05.10.2023	New Delhi	The bills of Brains Logistics Pvt. Ltd. which had been filed before the Ld. Sole Arbitrator, were deemed forged because it contained a stamp of "Hero MotoCorp Ltd." when that name change happened post the issuance of the bill.	Stayed by the Hon'ble High Court of Delhi in CRL MC 7480/2023 on 10.12.2023.
28)	CC/805/2024 titled as "Brains Logistics vs Hari Prakash Gupta & Ors." dated 06.03.2024	District Court Delhi, Patiala House	Complaint under Section 156(3) CrPC	Notice yet to be issued
29)	CC 187/2024 titled as Brains Logistics Private Limited vs. Vijay Srivastava and Ors." dated 20.02.2024	Delhi District Court, Karkardooma	Forgery of PF challans by affixing stamp of Hero MotoCorp Ltd. The Ld. Trial Court allowed the Complaint on 20.02.2024 and directed registration of FIR.	Hero MotoCorp Challenged the said order before Hon'ble Delhi High Court and same was stayed by the Hon'ble High Court of Delhi in CRL MC 5587/2024 vide order dated

S. No	Case No./Date (A)	Place (B)	Particulars / Allegations (C)	Present Status (D)
				22.07.2024.
30)	CRL ReV/141/2022 titled as "Roopdarshan Pandey vs Hero MotoCorp Ltd"	Gautam Budh Nagar, Noida District Court	Revision filed by Mr. Roopdarshan Pandey against dismissal of application preferred by him under Section 156 (3) CrPC	Pending Adjudication
31)	FINAL REPORT/0002 427/2023 titled as "Brains Logistic Pvt. Ltd. v. CD Enterprises"	Gautam Budh Nagar, Noida District Court	FIR No. 461/2022 filed at PS Noida, Sector 24 has been lodged by Mr. Roop Darshan Pandey which is pending before Ld. JMFC, Gautam Budh Nagar, Noida.	Pending Adjudication
32)	CC/ 193655/2022 titled as Roopdarshan vs Hero MotoCorp	District Court, Noida, UP	Complaint under Section 200 CrPC	Notice not issued
33.	J00051991 dated 26.05.2020	Delhi	Authenticity of Board Resolution	Closed
34	J00052113 dated 15.06.2020	Delhi	Authenticity of Board Resolution	Closed
35	J00051935 dated 15.06.2020	Delhi	Falsification of bank accounts	Closed
36	J00051928 dated 15.06.2020	Delhi	Diversion of corporate funds	Closed
37	J00051930 dated 15.06.2020	Delhi	Falsification of books of accounts	Closed
38	J00051972 dated 15.06.2020	Delhi	Financial mismanagement and siphoning of the statutory dues of workmen	Closed
39	J00052154 dated 15.06.2020	Delhi	False statements regarding cessation of directors	Closed
40	J00051969 dated 15.06.2020	Delhi	Falsification of books of accounts and siphoning off Rs.69,63,406/-	Closed
41	J00051973 dated 15.06.2020	Delhi	Criminal cases not reflecting in annual returns	Closed
42	J00051975	Delhi	Manipulation of bills for	Closed

	dated 16.06.2020		manpower supply charges to usurp the amount of Rs. 59 lakhs	
43	J00051998 dated 16.06.2020	Delhi	Forgery and fabrication of documents	Closed
44	J00051900 dated 16.06.2020	Delhi	Fabrication of Board resolution	Closed
45	J00051982 dated 16.06.2020	Delhi	Misappropriation of service charges and management fees	Closed
46	J00051983 dated 16.06.2020	Delhi	Collusion with Surya Enterprises	Closed
47	J00052005 dated 16.06.2020	Delhi	Falsification of books of accounts	Closed
48	J00052131 dated 16.06.2020	Delhi	Generation of antedated Board Resolution	Closed
49	J00052032 dated 16.06.2020	Delhi	Mutilation of contractual bills and TDS details	Closed
50	J00052043 dated 16.06.2020	Delhi	Fabrication of bills for Rs. 5.94 crores	Closed
51	J00052339 dated 18.06.2020	Delhi	For antedated Board resolution	Closed
52	J00052350 dated 07.07.2020	Delhi	False cessation reports/ statements	Closed
53	J00052502 dated 14.07.2020	Delhi	Disobedience of notice issued by ROC	Closed
54	Complaint dated 17.07.2020	Delhi	Cessation of directors	Closed
55	J00052886 dated 10.08.2020	Delhi	Misleading the registrar of Companies	Closed
56	J00052667 dated 27.08.2020	Delhi	Material concealment of fact	Closed
57	J00052668 dated 27.08.2020	Delhi	Material concealment of fact	Closed
58	J00051928 dated 04.09.2020	Delhi	Diversion of corporate funds	Closed
59	J00053685 dated 04.09.2020	Delhi	Falsification of books of accounts and annual returns	Closed

60	J00053862 dated 04.09.2020	Delhi	Falsification of books of accounts	Closed
61	J00052867 dated 08.09.2020	Delhi	Falsification of board resolution	Closed
62	J00052781 dated 08.09.2020	Delhi	Retired directors are acted as directors and generation of antedated board resolution	Closed
63	J00061906 dated 03.08.2021	Delhi	Cessation of directors	Closed
64	J00065546 dated 01.09.2021	Delhi	Violation of section 447 and 448 of Companies Act	Reply filed.
65	5965 dated 26.10.2021	Delhi	Embezzlement of money, manipulation of books of accounts and falsification of board resolution	Closed
66	J00072011 dated 10.01.2023	Delhi	Forgery and generation of antedated board resolution	Closed
67	I00081832 dated 20.02.2023	Delhi	Falsification of documents and fudging of books of accounts	Closed
68	Complaint dated 19.01.2023 to NSE and BSE	Delhi	Forgery of documents, fudging of bank accounts and misappropriation of funds	Closed
69	Complaint dated 12.02.2023 to SEBI	Delhi	Nondisclosure of FIR 6 of 2013	Closed

20. Coming to the present contempt, even after the contempt reference was made, Mr. Pandey continued to insist on the allegations that the matter was wrongly entertained for mentioning in DB-II and has placed on record the Rosters of the Delhi High Court for the relevant period with an intention to completely scandalize the Court further. There are primarily three allegations made by BLPL and Mr. Pandey in the legal notice against the Court:

i) That the mentioning could not have been done in DB-II;

ii) That the mentioning was allowed "*subject to office objections*" and therefore the Registry ought to have ensured that all objections are

cleared and could not have listed the matter without the clearance of all objections;

iii) That the Registry could not have listed the matter in Court No.30 by presuming that the matter was connected to ***CRL.M.C. 5587/2024***.

21. In the opinion of this Court, all the three allegations made by Mr. Pandey and BLPL as also his Counsels, are completely incorrect. Firstly, as per the usual practice in the Delhi High Court mentioning of all urgent matters is before DB-I. However, owing to the Counsel on record in this case who has been appearing, and who could not have appeared before DB-I, the matter had to be mentioned before DB-II. There was nothing wrong in this procedure.

22. Insofar as the expression '*subject to office objection*s' is concerned, the clear understanding and practice of the Court is that due to urgency, if there are any objections raised in the scrutiny of the papers by the Registry, the matter would be listed before the Court "*subject to office objections*" and the Court would then pass directions regarding the objections or clearing of the objections in its order. In effect, therefore, the matter would be listed despite the objections raised by the Registry. This understanding of "*subject to office objections"* is known generally to all Counsels and the Registry of this Court. The Court had directed both the lawyers to file an affidavit explaining this expression and in response thereto in the affidavit of Mr. Dahiya, it is stated as under:

> *"2. That vide order dated 07.11.2024, this Hon'ble court was pleased to direct the deponent to explain the meaning of "subject to office objections", qua which in the legal notice allegations have been made against the Registry of this Court as well. In this regard, it is humbly submitted that the meaning of "subject to office objections" is that any matter filed, can be placed before*

the Hon'ble court with a condition that the 'office objections', if any, shall be cleared in the due course as per applicable rules, or as directed by the Hon'ble court before which the matter is listed."

23. Even in the affidavit of Mr. Yadav, it is stated as under:

> *"2. That vide order dated 07.11.2024, this Hon'ble court was pleased to direct the deponent to explain the meaning of "subject to office objections", qua which in the legal notice allegations have been made against the Registry of this Court as well. In this regard, it is humbly submitted that the meaning of "subject to office objections" is that any matter filed, can be placed before the Hon'ble court with a condition that the 'office objections', if any, shall be cleared in the due course as per applicable rules, or as directed by the Hon'ble court before which the matter is listed."*

24. Mr. Pandey has also filed an affidavit as under:

> *"6. That with great humility and unconditional apology, the deponent submits that at the time of issuing of subject matter legal notice, it was understood that fresh matter approved for listing* ***"subject to office objections"*** *and the Ld. Registry has raised* ***'office objections'*** *then the same are to be cleared in due course of time as per applicable rules. The Deponent, humbly submits that the 'office objections' to be that "any fresh matter filed by the litigants / Ld. Counsels on which the Ld. Registry has raised 'office objections' then the said fresh case can be listed with 'subject to office objections' mentioned in the cause list for further directions by the Hon'ble Court before which the matter is listed and the 'office objections' are to be cleared by the by the litigants / Ld. Counsels in the due course as per applicable rules". It is humbly submitted that the deponent has / had no intent to make any allegations against the Ld. Registry of this Hon'ble Court or this*

Hon'ble Court. However, the Deponent sincerely tenders bona fide, unconditional apology before this Hon'ble Court."

25. In the above affidavits it is clearly admitted by Mr. Pandey as also his counsels that the term "*subject to office objections*" means that the matter can be listed before the Court despite the objections. It is thus clear that the allegation made in the legal notice to the contrary, that all objections had to be removed prior to listing, was completely false to the knowledge of both the lawyers and the client. The allegation in the legal notice was clearly to scandalize the Court and the Registry as also to raise unnecessary doubts as to the functioning of the Court. Moreover, even if the allegations are not direct, allusions to wrong doing by the Court or the Registry, which is clear from the legal notice, would also not be permissible.

26. Insofar as the third allegation is concerned *i.e.*, that the two matters were not connected and the Registry could not have listed the matter before the same Bench which was hearing ***CRL.M.C. 5587/2024*** is concerned, even the said allegation is completely bereft of any merit. On behalf of the Petitioners, a note has also been filed along with the comparative chart giving the similarities between the two cases, *i.e.*, ***CRL.M.Cs. 7840/2023*** and ***5587/2024***. The Court has also perused the two petitions. A perusal of the same would show:

i) That they arise out of the same contractual dispute between the parties *i.e.*, HML and BLPL;

ii) That the allegation is in respect of certain documents produced by HML;

iii) That the allegation is about putting of a stamp of Hero Moto Corp

instead of Hero Honda Motors Ltd. which is alleged to be a forgery;

iv) In ***CRL.M.C. 7480/2023***, the allegations is in respect of summary sheets for the year 2009-10 and in ***CC 187/2024*** which is the subject matter of ***CRL.M.C. 5587/2024***. The allegations are in respect of PF Challans for the year 2009-10.

v) The contesting parties in both the matters are the same.

27. The endorsement made by HML that ***CRL.M.C. 5587/2024*** is connected to the pending petition ***CRL.M.C. 7480/2023*** which is pending before a particular Court, is thus not a wrong statement. It does not amount to forum shopping. In fact there is a duty cast upon any litigant to inform the Registry of any dispute between the same parties arising out of the same contract which may be pending. This is in order to ensure that contradictory orders or multiple litigations are not heard on similar subject matter by different Courts. This is also expedient in the interest of conservation of judicial time. The allegations that there was wrong-doing by the Registry is also thus baseless.

28. In ***Krishna Lal Chawla and Ors. v. State of Uttar Pradesh & Anr., (2021) 5 SCC 435*** the Court emphasised on the importance of judicial time and the responsibility of clients and counsels. The Court also frowned upon filing of multiple cases relating to the same issue which leads to resource crunch of the opposing party. The relevant portion of the judgment has been extracted below:

> *"**10.** Article 21 of the Constitution guarantees that the right to life and liberty shall not be taken away except by due process of law. Permitting multiple complaints by the same party in respect of the same incident,*

whether it involves a cognizable or private complaint offence, will lead to the accused being entangled in numerous criminal proceedings. As such, he would be forced to keep surrendering his liberty and precious time before the police and the courts, as and when required in each case. As this Court has held in Amitbhai Anilchandra Shah [Amitbhai Anilchandra Shah v. CBI, (2013) 6 SCC 348 : (2014) 1 SCC (Cri) 309] , such an absurd and mischievous interpretation of the provisions of the CrPC will not stand the test of constitutional scrutiny, and therefore cannot be adopted by us.

xxx

22. *Frivolous litigation should not become the order of the day in India. From misusing the public interest litigation jurisdiction of the Indian courts to abusing the criminal procedure for harassing their adversaries, the justice delivery system should not be used as a tool to fulfil personal vendetta. The Indian judiciary has taken cognizance of this issue. In 2014, this Court elucidated as follows, the plight of a litigant caught in the cobweb of frivolous proceedings in Subrata Roy Sahara v. Union of India [Subrata Roy Sahara v. Union of India, (2014) 8 SCC 470 : (2014) 4 SCC (Civ) 424 : (2014) 3 SCC (Cri) 712] : (SCC p. 642, para 191)*

> *"191. … One needs to keep in mind, that in the process of litigation, there is an innocent sufferer on the other side, of every irresponsible and senseless claim. He suffers long drawn anxious periods of nervousness and restlessness, whilst the litigation is pending, without any fault on his part. He pays for the litigation, from out of his savings (or out of his borrowings), worrying that the other side may trick him into defeat, for no fault of his. He spends invaluable time briefing counsel and preparing them for his claim. Time which he should have spent at work, or with his family, is lost, for no fault of his."*

> *While the Court's ruling pertained to civil proceedings, these observations ring true for the criminal justice machinery as well. We note, with regret, that 7 years hence, and there has still been no reduction in such plight. A falsely accused person not only suffers monetary damages but is exposed to disrepute and stigma from society. While running from pillar to post to find a lawyer to represent his case and arranging finances to defend himself before the court of law, he loses a part of himself."*

29. The Court in ***Buddhi Kota Subbarao v. K. Parasaran, (1996) 5 SCC 530*** also observed that litigants cannot file frivolous petitions to satisfy their whims. The relevant portion of the judgment reads as under:

> ***"11.*** *The applicant, it appears to us is labouring under grave misconception both of law and facts and has filed this petition unmindful of the scope of the provisions of Section 340 CrPC as well as of Sections 191, 192 and 193 IPC. ……*
> *……The course adopted by the applicant is impermissible and his application is based on misconception of law and facts. No litigant has a right to unlimited drought on the court time and public money in order to get his affairs settled in the manner as he wishes. Easy access to justice should not be misused as a licence to file misconceived or frivolous petitions. After giving our careful consideration to the submissions made at the Bar as well as those contained in the memorandum of the application, we are of the opinion that this application is misconceived, untenable and has no merits whatsoever. It is accordingly dismissed."*

30. Therefore the said endorsement by HML can hardly be termed as forum shopping and the Registry cannot be blamed in any manner for having listed the matter before the same Bench where ***CRL.M.C. 7480/2023*** was

pending. The allegations against HML and its counsels as also the Registry was therefore completely baseless. In fact, in the affidavit of Mr. Pandey, he continues to insist that the two matters are not connected. The relevant paragraph of the affidavit is set out below:

> *"4. It is respectfully submitted that while the 'advance' service of the above Main Petition was effected on the deponent through email received at 08:57 AM on 22.07.2024, the 'index' of the said main petition did not mention the para 3 as follows" 3. The present petition arises out of same dispute from respondent no.2 which is pending adjudication before this hon'ble court in Crl. M.C No.7480 of 2023, under which the proceedings has been stayed by order dt.12.1 0.2023" and the said para was only added later on by the Petitioners who knew very well that both said matters are completely unrelated and are subject matter of different jurisdictions, i.e. Crl. M.C No. 7480 of 2023 at PS Vasant Kunj (North -Delhi) and Crl. M.C No.5587 of 2024 at Laxmi Nagar (East-Delhi). Further, above referred email of advance service also mentioned that the said matter will be mentioned before the DB-II of this Hon'ble Court of Delhi."*

31. The language in the legal notice completely scandalises the Court and raises baseless allegations and aspersions against the administration of justice by the Court by raising doubts about the functioning of the Registry of this Court. In any case, after issuance of the legal notice, special and deliberate attempt has been made either by the lawyers or the litigant to get it published in online platforms. The Journalist - Mr. Atul Krishna who is present has tendered an unconditional apology. However, the fact remains that the said notice was published on the 'X' (former Twitter) platform of the media handle. Without any verification of facts, the notice was clearly leaked by Mr.

Pandey/BLPL not only with an intent to cause damage and harm to the reputation of HML but with a clear intent to also lower the dignity of the Court amongst the public. The habit of releasing pleadings and documents to the media even before Courts have had the opportunity to consider the same is also not acceptable as it tends to prejudice the parties and influence independent decision-making by Courts.

32. While trying to justify the conduct in the affidavit dated 28th November, 2024, Mr. Pandey has also tendered an apology in the following terms:

> *"7. It is humbly submitted that, in light of above background, in capacity of the authorized representative of BLPL, the Deponent has signed the subject matter legal notice and at my instructions, the said legal notice was sent as an attachment of email dated on 18.09.2024 'only' to the noticee i.e. HMCL / its directors, to seek their reply. It is once again humbly submitted that the deponent has / had no intent to make any allegations against the Ld. Registry of this Hon'ble Court or this Hon'ble Court and the Deponent sincerely tenders bona fide, unconditional apology before this Hon'ble Court.*
>
> *xxx xxx xxx*
>
> *9. That, the deponent holds this Hon'ble High Court in high regard and esteem and it was never the intention of the deponent to undermine the majesty of this Hon'ble High Court and he once again tenders unconditional apology."*

33. Mr. Atul Krishna has also filed an affidavit tendering an apology in the following terms:

> *"xxx xxx xxx*
>
> *4. That I hold this Hon'ble Court in the highest esteem and regard the institution of the judiciary as the*

cornerstone of justice, fairness, and democracy.

5. That I submit my unconditional apology for publication or action on my part or on behalf of "New Indian" that may have been construed as contemptuous or disrespectful to this Hon'ble Court. It is submitted that in great regard to this Hon'ble Court, the Published contemptuous material has been immediately taken down from the Platform.

6. That it was never my intention to undermine the authority, dignity, or majesty of this Hon'ble Court, and I deeply regret any inconvenience or harm caused due to my actions.

7. That I assure this Hon'ble Court that I have taken all necessary steps to rectify the error and ensure that no such incident occurs in the future. Further, I shall remain vigilant and cautious in the discharge of my professional duties as a publisher.

8. That I solemnly undertake to exercise the utmost caution and due diligence in the future to ensure that no such act or omission occurs and that the integrity and dignity of this Hon'ble Court remain intact at all times.

9. That this unconditional apology is tendered with utmost sincerity, bona fide intention, and without any reservation whatsoever. I humbly pray for the forgiveness and indulgence of this Hon'ble Court."

34. Even the counsel - Mr. Dahiya has stated in his affidavit as under:

"3. .....

Therefore, it is the humble understanding of the Deponent that in view of the roster, all urgent matters will be mentioned only before the DB-1. That once again, it is humbly submitted that the deponent has / had no intent to make any allegations against the Registry of this Hon'ble court or this Hon'ble court.

4. That it is submitted that the Deponent has been informed by Mr. Yadav that all future notices will be issued by his firm, with website details of firm, full name of advocate and the Bar Council registration number,

etc. and as per applicable law."

35. Mr. Yadav, ld. Counsel in his affidavit dated 12th November, 2024 has also stated as under:

> *"3. .....*
> *Therefore, it is the humble understanding of the Deponent that in view of the roster, all urgent matters will be mentioned only before the DB-1. That once again, it is humbly submitted that the deponent has / had no intent to make any allegations against the Registry of this Hon'ble court or this Hon'ble court.*
> *4. That it is submitted that the Deponent shall ensure that all future notices shall be issued with website detail of firm, full name of advocate and the Bar Council registration number and as per applicable law."*

36. Having heard the parties and having seen the record and also having perused the affidavits filed on behalf of the Respondents and lawyers and the Journalist, this Court is at pains to observe that every lawyer and litigant who is before the Court has a responsibility to ensure that any conduct which lowers the faith in the judicial system ought not to be resorted to. Over the course of various hearings, it has become clear to the Court that while Mr. Pandey himself has become a habitual litigant indulging in various practices which would constitute abuse of process, the advice being given to him by his lawyers is also clearly far from *bona fide*. Mr. Pandey has categorically made a statement before the Court that the content of the legal notice were based on the advice given to him by his lawyers.

37. All three *i.e.*, Mr. Dahiya, Mr. Yadav and Mr. Pandey have admitted that insofar as the term '*subject to office objection'* is concerned, they had clearly made a wrong allegation in the notice. This Court is also clear that insofar as the mentioning before the DB-II and the listing of the matter before

the Bench where ***CRL.M.Cs. 7840/2023*** was pending, there is no irregularity whatsoever. Even Mr. Atul Krishan had a duty to verify the allegations before bringing the notice in public domain.

38. Responsible journalism has been emphasised by the Court in ***In Re: Harijai Singh and Anr., In Re: Vijay Kumar, (1999) 6 SCC 466*** where the Court observed that not verifying and evaluating the correctness and credibility of the information being published is an irresponsible conduct and attitude on the part of editor, publisher and reporter. The relevant portion of the judgment has been extracted below:

> ***"11.*** *In the present case, as we have noticed above, neither the printer, publisher nor the editor and reporter took the necessary care in evaluating the correctness and credibility of the information published by them as the news items in the newspapers referred to above in respect of an allegation of a very serious nature having great repercussions causing an embarrassment to this Court. An editor is a person who controls the selection of the matter which is to be published in a particular issue of the newspaper. The editor and publisher are liable for illegal and false matter which is published in their newspaper. Such an irresponsible conduct and attitude on the part of the editor, publisher and the reporter cannot be said to be done in good faith, but distinctly opposed to the high professional standards as even a slightest enquiry or a simple verification of the alleged statement about grant of petrol outlets to the two sons of a Senior Judge of the Supreme Court, out of discretionary quota, which is found to be patently false would have revealed the truth. But it appears that even the ordinary care was not resorted to by the contemners in publishing such a false news items. This cannot be regarded as a public service, but a disservice to the public by misguiding them with a false news. Obviously, this cannot be regarded as something done in good faith.*

12. *But it may be pointed out that various judgments and pronouncements of this Court bear testimony to the fact that this Court is not hypersensitive in matters relating to contempt of courts and has always shown magnanimity in accepting the apology on being satisfied that the error made in the publication was without any malice or without any intention of disrespect towards the courts or towards any member of the judiciary. This Court has always entertained fair criticism of the judgments and orders or about the person of a Judge. Fair criticism within the parameters of law is always welcome in a democratic system. But the news items with which we are concerned can neither be said to be fair or made in good faith but wholly false and the explanation given is far from satisfactory. Shri Hari Jaisingh, editor of The Sunday Tribune and Lt. Col. H.L. Dheer, publisher as well as Vijay Kumar Chopra, editor and publisher of daily Punjab Kesari have taken the stand that they had taken the news items to be correct on the basis of the information supplied by a very senior journalist of long standing, Dina Nath Misra. But this cannot be accepted as a valid excuse. It may be stated that at common law, absence of intention or knowledge about the correctness of the contents of the matter published (for example as in the present case, on the basis of information received from the journalist/reporter) will be of no avail for the editors and publishers for contempt of court but for determining the quantum of punishment which may be awarded. Thus they cannot escape the responsibility for being careless in publishing it without caring to verify the correctness. However, since they have not only expressed repentance on the incident but have expressed their sincere written unconditional apology, we accept the same with the warning that they should be very careful in future. As regards the case of Dina Nath Misra, we find he acted in gross carelessness. Being a very experienced journalist of long standing it was his*

> *duty while publishing the news item relating to the members of the Apex Court, to have taken extra care to verify the correctness and if he had done so, we are sure there would not have been any difficulty in coming to know that the information supplied to him had absolutely no legs to stand and was patently false and the publication would have been avoided which not only caused great embarrassment to this Court but conveyed a wrong message to the public at large jeopardizing the faith of the illiterate masses in our judiciary. Shri Dina Nath Misra has no doubt committed a serious mistake but he has realised his mistake and expressed sincere repentance and has tendered unconditional apology for the same. He was present in the Court and virtually looked to be gloomy and felt repentant of what he had done. We think this sufferance itself is sufficient punishment for him. He being a senior journalist and an aged person and, therefore, taking a lenient view of the matter, we accept his apology also. We, however, direct that the contemners will publish in the front page of their respective newspapers within a box their respective apologies specifically mentioning that the said news items were absolutely incorrect and false. This may be done within two weeks. The Contempt Petitions Nos. 206-207 of 1996 are disposed of accordingly.*

39. Similarly in ***Suit (L) No.398/2024*** bearing title ***Khanjan Jagadishkumar Thakkar v. Waahiid Ali khan & Ors***., the Court observed that a journalist or a reporter cannot transgress their limits of right of speech and expression, without justifying the publication on the basis of its truthfulness. The relevant portion of the judgment has been extracted below:

> *"25] As a result of position of Law which has evolved in India, the truth of defamatory words is a complete defence to an action of libel and slander, but a Journalist or Reporter is not expected to transgress the limits of his right of speech and expression and cannot*

> *claim protection by simply stating that the information, was provided to him by someone and it is in public interest to divulge the same, on the pretext that duty lies in giving out that information to the public.*
> *Investigative Journalism definitely does not enjoy any special protection and the umbrage of public interest definitely do not permit a publication, which would amount to lowering down the reputation of any person , in any manner particularly without justifying the publication on the basis of its truthfulness. Just because, the Defendant No.1 is interested in ascertaining the truth or is interested in going to roots of the complaint that is filed, resulting into an FIR, do not necessarily mean that the publication is in public interest and particularly when the complaint is under investigation."*

40. In this background, it deserves to be noted that, after the ld. Single Judge came to a *prima facie* conclusion that the notice was contemptuous, the same has been taken down from the online platforms. The Court after having heard Mr. Atul who was present in Court during all the hearings also feels that the apology tendered by him is *bona fide* and therefore the contempt notice against Mr. Atul Krishna is discharged with the direction that he ought to exercise caution in future and continue his journalism with a greater sense of responsibility.

41. Insofar as the two Counsels are concerned, both have not merely misadvised their client but have also expressed least remorse even during the hearings. Their legal notice did not comply with the required conditions of giving the name of the counsel, the bar council registration number, the date of the notice, the website, the name of the other lawyers working in the firm, etc., none of it is mentioned in the legal notice. Such strategies are usually adopted by lawyers in order to insulate themselves from any action while

shooting in the dark and make wild allegations.

42. The Bar Council of India has also prescribed certain rules with respect to the duties of the Advocates towards the Court and their Client. The said Rules are been extracted below:

> "Rules on an Advocate's Duty Towards the Court
>
> *4. Refuse to act in an illegal manner towards the opposition*
> *An advocate should refuse to act in an illegal or improper manner towards the opposing counsel or the opposing parties. He shall also use his best efforts to restrain and prevent his client from acting in any illegal, improper manner or use unfair practices in any mater towards the judiciary, opposing counsel or the opposing parties.*
> *5. Refuse to represent clients who insist on unfair means*
> *An advocate shall refuse to represent any client who insists on using unfair or improper means. An advocate shall excise his own judgment in such matters. He shall not blindly follow the instructions of the client. He shall be dignified in use of his language in correspondence and during arguments in court. He shall not scandalously damage the reputation of the parties on false grounds during pleadings. He shall not use unparliamentary language during arguments in the court."*

43. A perusal of the above rules would shows that the Bar Council of India casts responsibility upon the Advocates to prevent their clients from acting in an illegal manner not only towards judiciary but also opposing counsel and parties. The counsels in the present case should have advised their clients with respect to the procedure of listing of cases in Delhi High Court and should not have raised such baseless allegations, functioning of the Court.

44. During the hearings in the Court also, it was clearly felt that they continued to justify their conduct rather than express any sense of remorse. The non-reflection of names of counsels, their bar council registrations is also contrary to the practice directions notified by the Delhi High Court. As per the *Circular No. STBC/Cir/No.18/2006* dated 5th July, 2006, issued by the High Court of Delhi it has been made compulsory for the Advocates to mention their enrolment number on their letter heads. The said circular is extracted below:

> *"It has come to notice that Bar Council of India, in the year 2006, had issued a Circular No.STBC/Cir/No.18/2006 dated 5.7.2006 to all the State Bar Councils, communicating its approval to the new Rule 105A, framed by the Bar Council of Delhi,* ***whereby it was made compulsory for the Advocates to mention enrolment number on their letter heads and vakalatnamas.***
> *All the Officers and Dealing Assistants of the Filing Counter are requested to ensure that the Vakalatnamas, filed by the Advocates, must contain their enrolment numbers as well, in addition to other requirements of the Vakalatnama."*

45. The above stated Rule 105 A has been extracted below:

> *Rule 105A: Every advocate shall mention his/her enrollment number on every visible representation (wherever the letter "Advocate"/"Attorney"/ "Counsel" is mentioned after or before the same) including visiting card, letter head, vakalatnama etc.*

46. A perusal of the above stated rule shows that the enrolment number needs to be mandatorily added at all places in the letter where "Advocate"/"Attorney"/ "Counsel" is mentioned. It can be seen that in the

present case neither the letterhead mentions the details of the Advocate and the enrolment number. The same is also not mentioned in the end salutation. It's a prescribed practice to write the name and enrolment number of the Advocate sending the legal notice to verify the authenticity of said notice. Moreover, legal notices are made on the letterhead of the concerned advocate/firm/chamber who is sending the notice and absence of such details questions the validity of the said notices.

47. The Bombay High Court in ***Criminal Appeal No. 172/2014*** titled ***Shaikh Farooq v. Shaikh Rafiq and Ors.*** also observed that without any signature a typed document in the form of a notice cannot be considered as a legal notice as nobody would own up to the correctness of its contents.

48. Under these circumstances, both the lawyers have violated the Bar Council Rules and the practice directions of this Court. This Court is of the opinion that the Counsels have indulged in unprofessional conduct. The matter is accordingly referred to Bar Council of Delhi for initiating disciplinary proceedings which shall be decided in accordance with law. In addition, they shall henceforth comply with the said Rules and modify their letterheads and all other communications in accordance with the said Rules.

49. Insofar as Mr. Roop Darshan Pandey is concerned, his conduct has been totally defiant even during Court proceedings. The apology is completely conditional and the intent has been to justify all the allegations which have been made. The allegations are clearly false to the knowledge of Mr. Pandey who is a habitual litigant in the Court. The attempt of Mr. Pandey appears to be somehow continue to harass the company HML, its officials and its Counsels while making wild allegations against them. Mr. Pandey has also not spared the Court or the Registry of this Court when clearly there was no

fault of the Registry of the Delhi High Court in the clearing of the matter for listing and also listing of the matter on an urgent basis.

50. The Hon'ble Supreme Court in ***Haridas Das v. Usha Rani Banik (Smt.) and Ors., (2007)14 SCC 1*** observed that anyone who tends to tarnish the image of the judiciary should not be allowed to go unpunished. In such cases the ultimate victim is the institution. The Court in the said case also observed that the apology of the Contemnor was not genuine and instead he tried justifying the malicious statement given by them, therefore the Court sentenced the Contemnor to two months of imprisonment. The relevant portion of the judgment reads as under:

> ***"1.****"Judge bashing" and using derogatory and contemptuous language against Judges has become a favourite pastime of some people. These statements tend to scandalise and lower the authority of the courts and cannot be permitted because, for functioning of democracy, an independent judiciary to dispense justice without fear and favour is paramount. Its strength is the faith and confidence of the people in that institution. That cannot be permitted to be undermined because that will be against the public interest.*
>
> ***2.*** *Judiciary should not be reduced to the position of flies in the hands of wanton boys. Judge bashing is not and cannot be a substitute for constructive criticism.*
>
> ***xxxx***
>
> ***12.*** *There is guarantee of the Constitution of India that there will be freedom of speech and writing, but reasonable restrictions can be imposed. It will be of relevance to compare the various suggestions as prevalent in America and India. It is worthwhile to note that all utterances against a Judge or concerning a pending case do not in America amount to contempt of Court. In Article 19 the expression "reasonable restrictions" is used which is almost on a par with the*

American phraseology "inherent tendency" or "reasonable tendency". The Supreme Court of America in Bridges v. California [314 US 252 : 86 L Ed 192 (1941)] said : (L Ed p. 203)

"What finally emerges from the 'clear and present danger' cases is a working principle that the substantive evil must be extremely serious and the degree of imminence extremely high before utterances can be punished."

13. *The vehemence of the language used is not alone the measure of the power to punish for contempt of court. The fires which it kindles must constitute an imminent, not merely a likely, threat to the administration of justice. The stream of administration of justice has to remain unpolluted so that purity of court's atmosphere may give vitality to all the organs of the State. Polluters of judicial firmament are, therefore required to be well taken care of to maintain the sublimity of court's environment; so also to enable it to administer justice fairly and to the satisfaction of all concerned. To similar effect were the observations of Lord Morris in Attorney General v. Times Newspapers [1974 AC 273 : (1973) 3 WLR 298 : (1973) 3 All ER 54 (HL)] , AC at p. 302. It was observed that when*

"unjustifiable interference is suppressed it is not because those charged with the responsibilities of administering justice are concerned for their own dignity : it is because the very structure of ordered life is at risk if the recognised courts of the land are so flouted that their authority wanes and is supplanted." (All ER p. 66f)

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29. *Considered in the light of the aforesaid position in law, a bare reading of the statements makes it clear that those amount to a scurrilous attack on the integrity, honesty and judicial competence and impartiality of Judges. It is offensive and intimidating. The contemnor*

by making such scandalising statements and invective remarks has interfered and seriously shaken the system of administration of justice by bringing it down to disrespect and disrepute. It impairs confidence of the people in the court. Once door is opened to this kind of allegations, aspersions and imputations, it may provide a handle to the disgruntled litigants to malign the Judges, leading to character assassination. A good name is better than good riches. Immediately comes to one's mind Shakespeare's Othello, Act II, Scene iii, 167:

"Good name in man and woman, dear my Lord is the immediate jewel of their souls; who steals my purse, steals trash; its something, nothing; 'T was mine, its his, and has been slate to thousands; But he that filches from me my good name,

Robs me of that which not enriches him

And makes me poor indeed."

30. *Majesty of law continues to hold its head high notwithstanding such scurrilous attacks made by persons who feel that the law courts will absorb anything and everything, including attacks on their honesty, integrity and impartiality. But it has to be borne in mind that such divinity and magnanimity is not its weakness but its strength. It generally ignores irresponsible statements which are anything but legitimate criticism. It is to be noted that what is permissible is legitimate criticism and not illegitimate insinuation. No court can brook with equanimity something which may have tendency to interfere with the administration of justice. Some people find judiciary a soft target because it has neither the power of the purse nor the sword, which other wings of democracy possess. It needs no reiteration that on judiciary millions pin their hopes, for protecting their life, liberty, property and the like. Judges do not have an easy job. They repeatedly do what rest of us (the people) seek to avoid, make decisions, said David Pannick in his book Judges.*

Judges are mere mortals, but they are asked to perform a function which is truly divine.

xxxx

34. *There can be no quarrel with the proposition that anyone who intends to tarnish the image of judiciary should not be allowed to go unpunished. By attacking the reputation of Judges, the ultimate victim is the institution. The day the consumers of justice lose faith in the institution that would be the darkest day for mankind. The importance of judiciary needs no reiteration.*

35. *When the background facts highlighted above are considered in the background of the principles set out above, the inevitable conclusion is that the contemnor deserves no sympathy. In fact, the lenient approach of the Gauhati High Court seems to have encouraged him to make statements on oath tarnishing the image of the Judges of the highest judiciary. His apology seems to be not genuine. This is more so because he wanted to justify the statements made in Para 4.*

36. *Therefore, we find the contemnor guilty of contempt. He is sentenced to undergo imprisonment for a period of two months. He shall be taken into custody and sent to Tihar Jail, New Delhi, forthwith to serve the sentence awarded."*

51. The Court in ***Ram Niranjan Roy v. State of Bihar and Ors., (2014) 12 SCC 11***, observed that contempt matters are committed in the face of the High Court and these matters not only humiliate Judges but scandalise the institution by lowering its dignity in the eyes of the public. The relevant portion of the said judgment has been extracted below:

16. *Thus, when contempt is committed in the face of the High Court or the Supreme Court to scandalise or humiliate the Judge, instant action may be necessary. If the courts do not deal with such contempt with strong*

hand, that may result in scandalising the institution thereby lowering its dignity in the eyes of the public. The courts exist for the people. The courts cherish the faith reposed in them by people. To prevent erosion of that faith, contempt committed in the face of the court need a strict treatment. The appellant, as observed by the High Court was not remorseful. He did not file any affidavit tendering apology nor did he orally tell the High Court that he was remorseful and he wanted to tender apology. Even in this Court he has not tendered apology. Therefore, since the contempt was gross and it was committed in the face of the High Court, the learned Judges had to take immediate action to maintain honour and dignity of the High Court. There was no question of giving the appellant any opportunity to make his defence. This submission of the appellant must, therefore, be rejected.

xxxxx

19. *In Bineet Kumar Singh, In re [(2001) 5 SCC 501 : 2001 SCC (Cri) 908] a forged/fabricated order of this Court was used for the purpose of conferring some benefits on a group of persons. This Court took a strict view of the matter and observed as under: (SCC pp. 506-07, para 6)*

> *"6. The law of contempt of court is essentially meant for keeping the administration of justice pure and undefiled. It is difficult to rigidly define contempt. While on the one hand, the dignity of the court has to be maintained at all costs, it must also be borne in mind that the contempt jurisdiction is of a special nature and should be sparingly used. The Supreme Court is the highest court of record and it is charged with the duties and responsibilities of protecting the dignity of the court. To discharge its obligation as the custodian of the administration of justice in the country and as the highest court imbued with supervisory and appellate jurisdiction over all the lower courts and*

> *tribunals, it is inherently deemed to have been entrusted with the power to see that the stream of justice in the country remains pure, that its course is not hindered or obstructed in any manner, that justice is delivered without fear or favour. To discharge this obligation, the Supreme Court has to take cognizance of the deviation from the path of justice. The sole object of the court wielding its power to punish for contempt is always for the course of administration of justice. Nothing is more incumbent upon the courts of justice than to preserve their proceedings from being misrepresented, nor is there anything more pernicious when the order of the court is forged and produced to gain undue advantage. Criminal contempt has been defined in Section 2(c) to mean interference with the administration of justice in any manner. A false or misleading or a wrong statement deliberately and wilfully made by a party to the proceedings to obtain a favourable order would undoubtedly tantamount to interference with the due course of judicial proceedings. When a person is found to have utilised an order of a court which he or she knows to be incorrect for conferring benefit on persons who are not entitled to the same, the very utilisation of the fabricated order by the person concerned would be sufficient to hold him/her guilty of contempt, irrespective of the fact whether he or she himself or herself is the author of fabrication."*
>
> *We respectfully concur with these observations."*

52. In the case of ***National Lawyers Campaign for Judicial Transparency and Reforms and Ors. v. Union of India [W.P.(C) No.191/2010 decision dated 12th March, 2019]***, the Supreme Court observed as under:

> *"13. When contempt is committed in the face of the Court, judges" hands are not tied behind their back"*

53. In ***Court on its own Motion v. Virendra Singh Advocate, 2024:DHC:174-DB***, an advocate raised allegations against several judges with respect to unreasonable and flimsy proceedings before the Trial Court. The Advocate asked for a stay of the Trial Court proceedings. The Division Bench of this Court, then observed that there is a direct attack on the reputation and functioning of not only one judge but several judges and it also affects the administration of justice. The Court observed that the scandalous allegations, imputation against a Judge, discharging his judicial function are more serious in nature and it's the Courts responsibility to deal such actions with firm hands. Thereafter, the concerned advocate was sentenced to undergo simple imprisonment of 6 months along with fine. The relevant portion of the judgment is as under:

> *"35. We refuse to accept the submissions made by the contemnor/respondent with the aforesaid averments made by him in the appeal that have been mentioned to give the entire background so as to establish the injustice suffered by the victim leading to acquittal of the accused persons. It is manifest from the above that the contemnor/respondent has made contumacious allegations in the appeal making scandalous, unwarranted and baseless imputations against the learned Judges of this Court as well as District Courts who have been discharging their judicial function. Moreover, being an Officer of this Court making such averments in the judicial pleading are more serious in nature. It is incumbent upon the Courts of justice to check such actions with a firm hand which otherwise will have pernicious consequences."*

54. In ***Sanjeev Kumar v. State of NCT of Delhi & Ors., 2024:DHC:8705-DB***, the Appellant had filed several complaints against his in-laws, close associates of his wife, police officials, judicial officers, Judges of this Court and had also misbehaved with judges in Court. The Court observed that he has changed a matrimonial dispute into multifarious criminal complaints thereby occupying substantial judicial time. The Court then sentenced him to 4 months simple imprisonment.

55. Considering the settled law, as contained in the above judgments, there is no doubt that Mr. Roop Darshan Pandey is liable to be punished for Contempt of Court. His frivolous allegations against the Court as also the Registry of the Delhi High Court with respect to listing matters is completely baseless. Such allegations if ignored, would over a period of time lead to erosion of faith in the well-established and fair systems and procedures of the Court. The clear allusions are that there was some wrong-doing, when clearly no such needle of suspicion could have been raised. Under these circumstances, Mr. Pandey is held guilty of criminal contempt as per Sections 11 and 12 of the Contempt of Courts Act, 1971.

56. This is the second instance when allegations of contempt have been raised against Mr. Pandey. Earlier, on 10th February, 2016, Mr. Pandey had filed a complaint to the Ministry of Law and Justice, Department of Justice, against the Senior Advocate representing HML and one of the Judges of this Court alleging that they are "*known to each other*", amongst other allegations. The said complaint requested the Hon'ble Chief Justice of India and the Chief Justice of this Court for a fair enquiry against such conspiracies. Thereafter several applications were filed against Mr. Roop Darshan Pandey in ***CRL.MC.2451/2013*** titled ***Hero Motocorp Ltd. & Anr v. State & Anr.*** and

other connected matters with respect to the said complaint on 4th March, 2017.

57. The Court noticed that such a complaint would fall under the list of "*Subject/Topics which cannot be treated as grievances*" as per the Centralised Public Grievance Redress and Monitoring system portal. However, the Ministry of Law and Justice sent an Office Memorandum dated 23rd March, 2016, forwarding the complaint to the Secretary General of the Supreme Court of India, who in turn forwarded it to the Secretary, Bar Council of India by a communication dated 24th March, 2016.

58. The question that arose in the said case was whether the contempt petition is barred by limitation in terms of Section 20 of the Contempt of Courts Act, 1972, which clearly states that the complaint has to be filed within one year from the date on which the contempt is alleged to have been committed. Therefore, the above said applications were dismissed as time barred considering the contemptuous act took place on 10th February, 2016 and the application has been filed on 4th March, 2017. The relevant portion of the said order has been extracted below for a bare perusal:

> *"11. The present applications were filed on 4th March 2017. The trigger was a complaint dated 10th February, 2016 filed by Mr. Roop Darshan Pandey with the Ministry of Law and Justice, Department of Justice, Government of India under the Centralized Public Grievance Redressal and Monitoring System ("CPGRAM"). A copy of the said complaint filed online by Mr. Pandey has been enclosed with the present applications as Annexure-C. The complaint is, inter alia, to the effect that the Senior Advocate representing HML and one of the Judges of this Court "are known to each other" and that the Senior Advocate "openly claims that he has all his following high profile cases involving rich and powerful people managed" with the*

said learned Judge and that "date after date are contained by the senior advocate to drag and frustrate the cases". The details of two of the main cases i.e. Crl. Misc Nos. 2451/2013 and 2525/2013 were mentioned in the complaint. It was further requested that the Hon'ble Chief Justice of India and the Chief Justice of this Court "be informed for fair enquiry" about this conspiracy immediately to meet the ends of justice. Certain documents were purportedly enclosed with the complaint.

12. The CPGRAM portal lays down a list of "Subjects/Topics which cannot be treated as grievances". One of these categories is „Court related/subjudice matters". There is a declaration by the Respondent No.2 to the effect that "I agree that my grievance does not fall within the above listed categories". The Applicants/Petitioners point out that this was a false declaration.

13. The grievance of the Applicants/Petitioners is that acting on the said online complaint, the Ministry of Law and Justice sent an Office Memorandum („OM") dated 23rd March 2016 forwarding the complaint to the Secretary General of the Supreme Court of India, who in turn forwarded it to the Secretary, Bar Council of India by a communication dated 24 th March, 2016. Copies of these communications have also been enclosed. It was further forwarded by the Deputy Registrar of the Supreme Court of India to the Bar Council of India („BCI"). The BCI took up the matter and sent a copy of the OM dated 23rd March, 2016 to the concerned senior counsel for his comments.

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23. On the first question whether the contempt petition is barred by limitation in terms of Section 20 of the Act, the reply of Mr Tiku on behalf of the Applicants is that although the complaint was filed online on 10th February 2016, action was taken on the said complaint by the Ministry only on 23rd March, 2016 and it was

only then that the actual scandalizing of the judiciary took place.

24. The Court is unable to agree with the above submission. When the complaint was filed online on 10th February 2016, it was already available to be seen by anyone in the Ministry dealing with such complaints. If it is the contention of the Petitioner that this act itself constituted contempt, then clearly the date of the commission of the contempt was 10th February, 2016 and not 23rd March, 2016. In any event, as far as the Petitioners are concerned, Respondent No.2 committed contempt on 10th February, 2016 when he filed the complaint containing the allegedly scandalous allegations on line on the CPGRAM. . That date cannot be postponed only because the Ministry took more than a month to actually send a further communication to the Secretary General, Supreme Court of India.

25. There is no scope for condoning the delay in filing the present applications seeking to invoke the jurisdiction of this Court under Section 15 of the Act. Section 20 of the Act makes it clear that the complaint has to be filed within one year from the date on which the contempt is alleged to have been committed. The jurisdiction of the Court to initiate any proceedings for contempt thereafter "either on its own motion or otherwise" is taken away. With the present applications having been filed on 4th March, 2017 i.e. more than one year after 10th February 2016, the question of entertaining them on the basis of the complaint made by the Respondent No.2 on the CPGRAM on 10th February, 2016 does not arise.

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27. ***The consequence of accepting the above submission would be for this Court to direct these petitions to be placed on the administrative side before the Chief Justice. However, in view of its decision that these applications are time barred in terms of Section 20 of the Act, there is no point in adopting that course.***

28. The applications are accordingly dismissed as time barred."

59. It is clear from the above order that Mr. Pandey is in the habit of making allegations against Courts, judges and counsels. The offending conduct is therefore not an inadvertent error or by mistaken advice. It is done with deliberate and with ulterior motives. The apology is thus not *bonafide*. Mr. Pandey is accordingly sentenced to two weeks of simple imprisonment with fine of Rs. 2,000/- and in default of payment of fine, further simple imprisonment for 07 days.

60. It is directed that the police authorities shall take the Contemnor into custody from the Court itself and the Contemnor be sent to Jail.

61. The Contempt Reference is accordingly disposed of in these terms.

62. A copy of this judgment be given *Dasti* to ld. Counsels for the parties under the signatures of Court Master.

PRATHIBA M. SINGH
JUDGE

AMIT SHARMA
JUDGE

JANUARY 23, 2025
Rahul/dk/ks