

2022 LiveLaw (SC) 950

IN THE SUPREME COURT OF INDIA
M.R. SHAH; J., M.M. SUNDRESH; J.

CONMT.PET.(C) No. 570/2022 in CrI.A. No. 1167/2022; 07-11-2022

RELIANCE INDUSTRIES LIMITED

versus

VIJAYAN A (AUTHORISED REPRESENTATIVE OF SECURITIES AND EXCHANGE BOARD OF INDIA

Contempt of Courts Act, 1971 - Contempt petition filed by RIL alleging non compliance of directions issued to SEBI in Reliance Industries Ltd vs Securities and Exchange Board of India 2022 LiveLaw (SC) 659 - Notice Issued to respondent - Merely because the stay application is pending in review petition cannot be a ground to grant stay by the respondent on its own and not to comply with the directions issued by this Court.

For Petitioner(s) Mr. Harish N. Salve, Sr. Adv. Mr. K.V. Vishwanathan, Sr. Adv. Mr. K. R. Sasiprabhu, AOR Mr. Amey Nabar, Adv. Mr. Raghav Shankar, Adv. Mr. Vishnu Sharma, A.S., Adv. Mr. Tushar Bhardwaj, Adv. Mr. Prakhar Agarwal, Adv.

For Respondent(s) Mr. K. K. Venugopal, Sr. Adv. Mr. Abhishek Singh, AOR For M/s. R.K. Ashar & Co.

ORDER

Shri Harish N. Salve, learned Senior Advocate appearing on behalf of the petitioner has vehemently submitted that despite order dated 05.08.2022 passed by this Court in Criminal Appeal No.1167/2002 by which the respondent/SEBI was directed to furnish a copy of the documents, as mentioned in para 59 , the same has not been furnished till date.

Shri K.K. Venugopal, learned Senior Advocate appearing on behalf of the respondent has submitted that the review petition preferred by the respondent is pending before this Court and, therefore, no further order be passed in the present proceedings. Reliance is placed on the decisions of this Court in *Modern Food Industries (India) Ltd. and another Vs. Sachidanand Dass and another* 1995 Supp (4) SCC 465 as well as in *State of J and K Vs. Mohd. Yaqoob Khan and others* (1992) 4 SCC 167.

We have gone through the aforesaid decisions and the subsequent order passed by this Court dated 12.10.2022 in Review Petition (Crl.) No.250/2022. The pendency of an appeal and/or writ petition along with stay cannot be equated with pendency of the review petition. There is a final decision by this Court in an appeal. Merely because the stay application is pending in review petition cannot be a ground to grant stay by the respondent on its own and not to comply with the directions issued by this Court.

It is required to be noted that the State of J and K Vs. Mohd. Yaqoob Khan and others (supra) was a case where against the ex-parte order passed by the learned Single Judge, pending writ petition, the contempt proceedings were initiated. Therefore, this Court observed that when the stay application is yet to be heard and decided and disposed of, the contempt proceedings cannot be initiated. Under the circumstances, the said decision(s) cannot be of any assistance to the respondent.

Issue notice to the respondent, making it returnable on 02.12.2022.

Mr. Abhishek Singh, learned counsel accepts service of notice on behalf of the respondent.

Physical presence of the alleged contemnor(s) is dispensed with for the time being.