

ITEM NO.44

COURT NO.2

SECTION XVII-A

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

CONMT.PET.(C) No.247/2021 in C.A. Nos.1873-1878/2020

SWAROOP S PRAKASH & ORS.

Petitioner(s)

VERSUS

**MR. AVINASH PRABHU, MANAGING DIRECTOR,
M/S SKYLINE CONSTRUCTION AND HOUSING PVT
LTD. & ANR.**

Respondent(s)

Date : 10-10-2022 This petition was called on for hearing today.

CORAM :

**HON'BLE DR. JUSTICE D.Y. CHANDRACHUD
HON'BLE MS. JUSTICE HIMA KOHLI**

**For Petitioner(s) Mr. Sahil Sethi, Adv.
 Ms. Nikita Sharma, Adv.
 Ms. Anukriti Pareek, AOR**

**For Respondent(s) Mr. Balaji Srinivasan, Adv.
 Mr. Rajiv Shankar Dvivedi, AOR**

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

- 1 Despite the orders of this Court dated 4 May 2022, 18 August 2022, 19 September 2022 and 26 September 2022, the contemnors, Mr Avinash Prabhu and Mr Dhiraj Prabhu, have not paid any amount to the flat buyers.
- 2 By the last order of this Court dated 26 September 2022, it was directed that 50% of the amounts which are due, inclusive of interest, shall be paid to the

flat buyers on or before 30 September 2022. As regards the balance, this Court has granted time until 31 October 2022.

- 3 The proceedings were directed to be listed on 10 October 2022 to verify compliance of the payment of 50%.
- 4 Mr Ratan K Singh, senior counsel who appeared on behalf of the contemnors all alone has since returned the papers and has been replaced by counsel afresh.
- 5 In the above circumstances, the Court is left with no other option, but to direct that Mr Avinash Prabhu and Mr Dhiraj Prabhu shall be taken into custody by the Tilak Marg Police Station, New Delhi forthwith and shall be lodged at the Tihar Jail pending further orders of this Court.
- 6 On the request of counsel appearing on behalf of the contemnors the proceedings be listed before this Court on 21 October 2022. In the event that the order dated 26 September 2022 in regard to the payment of 50% of the amount, inclusive of interest is complied with in the meantime, liberty is granted to the counsel to apply before this Court for further direction.
- 7 The above two respondents/contemnors shall forthwith surrender to the Tilak Marg Police Station.

(CHETAN KUMAR)
A.R. - cum - P.S.

(SAROJ KUMARI GAUR)
Assistant Registrar