

Contempt Petition No. 03 of 2022
(Arising out of Arbitration Application No. 20 of 2022)

Present :
Mr. Justice J.B.M. Hassan
And
Mr. Justice Razik Al Jalil

15.01.2023

Mr. Tanjib ul Alam with
Mr. Kazi Ershadul Alam, Advocates
...For the petitioner.
Mr. M. M. Shafiullah, Advocate
...For the respondent No.1.

The supplementary affidavit dated 15.2023 be treated as part of the main petition.

Let a Rule be issued calling upon the contemnors-respondents to show cause as to why a proceeding of contempt of Court should not be drawn up against them for violating and flouting the order dated 23.10.2022 of this Court in Arbitration Application No. 20 of 2020 and why they should not be punished for the contempt of Court and and/or pass such other or further order or orders as to this Court may seem fit and proper.

The Rule is made returnable within 04(four) weeks.

Since the contemnor-respondent No.1 has entered appearance by filing vokatnama. Service of notice upon him is dispensed with.

The petitioner is directed to serve a copy of the application along with the annexures upon the learned Advocate for the respondent No.1.

The office is directed to serve notices upon the contemnor-respondents No. 2 and 3 by usual course as well as by registered post with acknowledgment due at the cost of the petitioner.

The petitioners are directed to put in requisites for service of notices upon the respondents No. 2 and 3 by registered post as well as through usual process within 03(three) working days.

Let this matter be posted in the daily cause list on 30.01.2023 for further order.

Contempt Petition No. 03 of 2022

(Arising out of Arbitration Application No. 20 of 2022)

Present :
Mr. Justice J.B.M. Hassan
And
Mr. Justice Razik Al Jalil

15.02.2023

Mr. Tanjib ul Alam with
Mr. Kazi Ershadul Alam, Advocates
...For the petitioner.
Mr. M. M. Shafiullah, Advocate
. . .For the respondent No.1.

In this matter this Court passed the order dated 23.10.2022 in the following manner:

“Pending hearing of the Rule, the opposite party is hereby restrained from selling or otherwise disposing the 3,245 cylinders owned by the petitioner (identifiable through punched logo of “BOC” or “Linde” on a Cylinder) to any third party for a period of 3(three) months from date and, further, the Opposite Party is directed to collect the Linde Cylinders that are being sold within 7 days of issuance of the order and submit an affidavit of compliance before the Court.”

On the allegation of non-compliance of the Court’s order, this Court issued Contempt Rule on 15.01.2023. But till today the contemnor-respondents did not comply with the Court’s order. Rather they have filed an affidavit in opposition today expressing

their inability to comply with the Court’s order.

In the circumstances, the contemnor-respondents are directed to appear in person before this Court on 20.02.2023 at 10:30am to explain their conduct regarding the matter.

Let this matter be posted in the daily cause list on 20.02.2023 for further order.

Contempt Petition No. 03 of 2022
(Arising out of Arbitration Application No. 20 of 2022)

Present :
Mr. Justice J.B.M. Hassan
And
Mr. Justice Razik Al Jalil

20.02.2023

Mr. ABM Altaf Hossain, Senior
Advocate with
Mr. M. M. Shafiullah, Advocates
. . .For the respondents.

Mr. Tanjib ul Alam with
Mr. Kazi Ershadul Alam, Advocates
...For the petitioner.

In compliance to the order dated
15.02.2023, the contemnor-respondents
have appeared today before the Court.

On behalf of the contemnor-
respondents Mr. ABM Altaf Hossain,
learned senior Advocate prays for 02(two)
months time to comply with the Court's
order.

Considering the facts and
circumstances, let this matter be
adjourned until 06.03.2023 to comply
with Court's direction and to submit
written explanation regarding their
conduct in the matter.

The contemnor respondents are
directed to appear in person before this
Court on that day i.e 06.03.2023 at
10:30am.

Let this matter be posted in the
daily cause list on 06.03.2023 for further
order.