

Non-withdrawal of allegations against counsel after agreeing to withdraw such charges is contempt of Court

Summary – The High Court of Delhi in a recent case of Escorts Ltd., (the Assessee) held that Engaging in e-mail communications with Standing Counsel levelling allegations against them and, not withdrawing such allegation despite stating so in High Court prima facie amounted to criminal contempt punishable in accordance with law

Facts

- The intervention application of the respondent's counsel was rejected by the High Court. He, however, sent an e-mail to revenue's counsel levelling several allegations which were shown to the Court.
- In course of hearing, said counsel stated before the Court that he would withdraw the allegations levelled against revenue's counsel.
- However, after conclusion of hearing, an "Intervener Affidavit" was filed by respondent's counsel again levelling allegation against income-tax officials and department.
- The counsel was asked whether he wished to unconditionally withdraw the affidavit and the allegations, to which he agreed on condition that he would feel free to press those allegations elsewhere. He also stated that he had no desire and did not wish to withdraw any other allegations against the income-tax officials.

Held

- Nature of conduct displayed by Counsel, *i.e.*, first preferring application for intervention which was rejected; secondly engaging in e-mail communications with standing counsel and levelling allegations against them; thirdly, addressing e-mails directly to High Court and finally, placing on record affidavit detailing allegations even while stating that he would withdraw some of them, but would nevertheless press those allegations against the same individuals elsewhere, *prima facie* amounts to criminal contempt punishable in accordance with law.
- Consequently, appropriate action and proceedings under section 15 of Contempt of Courts Act, were warranted.