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* IN THE HIGH COURT OF DELHI AT NEW DELHI

+ CONT.CAS(C) 736/2011

VARUN AGGARWAL Petitioner

Through: Mr. Shiv Charan Garg, Adv.

versus

RAJENDER KUMAR, COMMISSIONER (VALUE ADDED TAX) & ORS

..... Respondents

Through: Mr. H.C. Bhatia, Adv.

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

ORDER

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21.10.2011

1. The present petition is filed by the petitioner under Section 12 of the Contempt of Courts Act for initiating contempt proceedings against the respondents for willfully disobeying the directions passed by the Division Bench on 29.04.2011 in **W.P.(C) No.2761/2011**. Counsel for the petitioner states that the petitioner had filed a writ petition praying *inter alia* for issuance of directions to respondents/Trade & Taxes Department to refund an amount of ₹5,17,324 alongwith interest to him. The said writ petition was disposed of on 29.04.2011 with directions to the petitioner to appear before the competent authority on 06.05.2011, whereafter respondent was directed to afford an opportunity of hearing to the petitioner or

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his authorized representative and dispose of the matter by 23.05.2011. It was further observed that in case, the petitioner had any grievance in respect of the decision of the competent authority, it would be open to him to approach the appropriate legal forum as advisable in law.

2. Counsel for the petitioner states that the petitioner appeared before respondent No.2 on the assigned date and time, whereafter proceedings were held by the said respondent and ultimately the petitioner was refunded a sum of ₹3,81,525/- by the respondents. It is stated that the petitioner is entitled to receive the balance sum of ₹1,35,799/- alongwith interest, which remains unpaid.

3. Counsel for the respondents disputes the above position and states that the amount payable to the petitioner as refund has already been credited to his account on 17.10.2011. The delay in refund is sought to be explained by stating that initially the amount sought to be credited was returned by the Reserve Bank of India and the second time there was a delay on account of a clerical error. He further states that the orders of the Division Bench have been duly complied with and in case, the petitioner has any grievance left with regard to the amount liable to be refunded, he is entitled to seek his legal remedies,

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which cannot be in the present proceedings, the scope of which is fairly limited.

4. Counsel for the petitioner states that in view of the fact that the petitioner has not received any order from the respondents till date, he is unable to seek his remedies as per law.

5. At this stage, counsel for the respondents states that an order was passed on 16.5.2011 in the presence of the counsel for the petitioner. He hands over a copy of a note sheet of the department wherein the order dated 16.05.2011 passed by respondent No.2, in the presence of the counsel for the petitioner, with an endorsement by the counsel for the petitioner, is contained. The same is taken on record. The aforesaid order dated 16.5.2011 is directed to be handed over to the counsel for the petitioner within two days. In view of compliance of the order dated 29.4.2011, nothing further survives in this petition. In case the petitioner is aggrieved by the order dated 16.5.2011 passed by respondent No.2, he shall be entitled to seek his remedies in accordance with law.

6. The present petition is disposed of.



HIMA KOHLI, J

OCTOBER 21, 2011
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