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* IN THE HIGH COURT OF DELHI AT NEW DELHI

+ CONT.CAS(C) 764/2011 & C.M. No.18721/2011

LABDHI VIKRAM RAJ AAROGYADHAM SANSTHAN

..... Petitioner

Through : Mr. Pramod Ahuja, Adv.

versus

ANIL KUMAR & ORS

..... Respondents

Through : Mr. Neeraj Chaudhari, CGSC with
Mr. Akshay Chandra, Adv. for UOI/R-1 & 2.
Mr. T.K. Joseph, Adv. for R-3 & 4.

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

ORDER

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24.10.2011

The present petition is filed by the petitioner praying *inter alia* for initiating contempt proceedings against the respondents for non-compliance of the order dated 14.7.2011 passed in WP(C)No. 3470/2011.

Vide order dated 14.7.2011, the Ministry of Health & Family Welfare was directed to depute an inspection team within a period of two weeks from the date of passing of the order for inspection of compliances by the petitioner in respect of deficiencies pointed out by the respondents. Based on the inspection report, the Central Council of Indian Medicine was directed to take a final decision within two

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weeks thereafter on the application of the petitioner seeking approval to set up a new Ayurvedic College. Based on the said decision, the respondent/UOI was further directed to take a final decision within a period of two weeks thereafter and communicate the same to the petitioner. It was further ordered that in case the recommendation was adverse to the petitioner, an opportunity of hearing would be afforded to it in terms of the Act and rules framed thereunder. With the aforesaid directions, the petition was disposed of.

It is stated by the counsel for the petitioner that the respondents have failed to comply with the aforesaid directions, due to which the petitioner has been compelled to file the present petition.

Counsel for respondents No.3 to 4 states that compliances of the aforesaid order were duly made, though not strictly in terms of the timeline set out in the order dated 14.7.2011. He submits that after carrying out the inspection, recommendation for approval was not made to the Union of India, but the same was belatedly conveyed to respondent No.1 as recently as on 20.10.2011.

Counsel for the respondent/UOI states that since the recommendation made by respondents No.3 & 4 is adverse to the petitioner, the Department shall now offer an opportunity of hearing to the petitioner as directed in the aforesaid order dated 14.7.2011, by

fixing a date of hearing and duly communicating the same to the petitioner within one week.

In view of the fact that a substantial part of the order dated 14.7.2011 has been complied with, this Court is not inclined to proceed further in the present petition, which is accordingly disposed of, along with the pending application, with a direction issued to respondent No.1 to intimate a date of hearing to the petitioner within one week from today, in terms of the order dated 14.07.2011. Thereafter, appropriate orders shall be passed by the respondent No.1, under written intimation to the petitioner.

A copy of this order be given **dasti** to the counsel for the Union of India, under the signatures of the Court Master.



HIMA KOHLI,J

OCTOBER 24, 2011
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