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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 1342/2013 & CM No.2550/2013**

SIMRAN CHAUDRI AND ORS Petitioners
Through: Mr.H.K.Chaturvedi, Advocate.

Versus

DEPUTY COMMISSIONER (SOUTH) & ORS Respondents
Through: Ms.Sakshi Popli, Advocate for
Respondents No.1 and 2.
Mr.N.S.Vashishth and Ms.Jyoti
Kataria, Advocates for
Respondents No. 4 to 6.

CORAM:

HON'BLE MR. JUSTICE NAJMI WAZIRI

ORDER

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07.09.2016

1. This writ petition has sought setting aside of the Recovery Certificate dated 03.10.2011 issued by the Deputy Labour Commissioner (South District) Govt. of NCT of Delhi and another letter dated 22.01.2013 issued by the Assistant Collector, Delhi, M.B. Road, Saket, Delhi.

2. The respondents/Government of NCT of Delhi through its affidavit of 19.10.2015 filed by Mr.Anuj Kumar Gupta, Assistant Collector Grade-II, Sub-Division Hauz Khas, New Delhi, has stated that:-

“3. That a recovery certificate was issued by Asstt. Labour Commissioner south vide ID no. 1252/2004 dated 19/11/2009 and a request was made to Deputy Commissioner South to recover the amount of Rs 6,56,765 (Rupees Six Lac Fifty Six Thousand Seven Hundred And Sixty Five) along with interest of 6% P.A w.e.f 16/01/2013 from M/S Choudhary International

(P) Ltd., S-272, Panchshila Park, New Delhi 110017 in favour of Sh. Kedar Nath Malka.

4. That in response to the request of recovery certificate received from Labour Deptt., a notice dated 21/1/2013 was issued to M/S Choudhary International (P) Ltd., S 272, Panchshila Park, New Delhi 110017 at the address given in the recovery certificate which is annexed herein as Annexure R1.
5. That in response to the above notice, a legal notice was received on 25/2/2013 on behalf of the petitioners in the present writ petition.
6. That it was stated in the legal notice that that Ms. Mohini Choudhary was the director of the M/S Choudhary International (P) Ltd. but she resigned from Board of Directors on 30/6/2001 and the photocopy of the said resignation was enclosed with the legal notice.
7. That it was further informed that Ms. Mohini Choudhary who was the director of the M/S Choudhary International (P) Ltd. but she resigned later, expired on 27/11/2011 and the copy of death certificate was annexed.
8. That it was also informed that there was no company in the name of M/S Choudhary International (P) Ltd. operating from the address S-272, Panchshila Park, New Delhi 110017.
9. That in view of the facts as stated above no action on the recovery notice dated 21/1/2013 was taken and the file was closed at the part of answering Respondent.

10. That no further clarification or request has been received from the ROC in the matter.”

3. Since the Government itself has not taken any further action in the matter and has closed the file apropos the petitioner, no further orders are required in terms of the recovery notice.

4. In the circumstances, the petition has become *infructuous* and is disposed off accordingly. The pending application also stands disposed off.

NAJMI WAZIRI, J.

SEPTEMBER 07, 2016

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