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IN THE HIGH COURT OF DELHI AT NEW DELHI

+ CONT.CAS(C) 486/2011

RAMESH KUMAR BAJAJ Petitioner

Through: Ms. Aakriti Dawar and Ms. Ankita
Gupta, Advocates.

versus

UNION OF INDIA & ANR Respondents

Through: Mr. Wazie Ali Noor, Advocate for
Mr. Kirtiman Singh, Advocate.

CORAM:

HON'BLE MR. JUSTICE MANMOHAN

ORDER

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26.07.2016

Present contempt petition has been filed alleging wilful disobedience of the order dated 21st May, 2008 and for refund of Rs.5,77,800/- deposited towards unearned increase in respect of property No.8/4, Old Rajender Nagar, New Delhi.

Learned counsel for petitioner states that petitioner is entitled to refund in view of the order dated 21st May, 2008 passed by a Coordinate Bench of this Court in W.P.(C) 18516/2006 filed by the petitioner. The order dated 21st May, 2008 relied upon by the learned counsel for petitioner is reproduced hereinbelow:-

“It is not disputed by learned counsel for the respondent that this writ petition is covered by judgment of this Court passed in the case of “Vidya Wati Thukral and Anr. vs. Union of India and Ors.” in Writ Petition (C) No.3175 of 1995 decided on

November 1, 2007. In this view of the matter, the writ petition is allowed in terms of the said judgment.

The writ petition is disposed of.”

(emphasis supplied)

Per contra, learned counsel for respondents states that the petitioner in the present case is not entitled to refund as subsequently the Division Bench in ***UOI and Ors. Vs. Vidya Wati Thukral and Ors.***, upon the matter being carried forward in appeal, clarified that the decision of the learned Single Judge dated 1st November, 2007 in W.P.(C) 3175/1995 would not apply to cases where unearned increase had been paid and conversion had been allowed.

Learned counsel for respondents emphasises that the petitioner falls in the category of past cases, as payment has already been received by the department and the property has been converted into a freehold way back on 19th November, 2004.

Having heard learned counsel for the parties, this Court finds that the petitioner’s initial writ petition being W.P.(C) 18516/2006 was disposed of on 21st May, 2008 in accordance with the order passed by a Coordinate Bench in ***Vidya Wati Thukral and Anr. vs. Union of India and Ors., W.P.(C) 3175/1995*** on 1st November, 2007. However, subsequently, the judgment of the learned Single Judge passed in ***Vidya Wati Thukral and Anr. vs. Union of India and Ors.*** in W.P.(C) 3175/1995 decided on 1st November, 2007 was modified by the Division Bench in ***UOI and Ors. Vs. Vidya Wati Thukral and Ors., LPA No. 170/2008*** vide order dated 3rd February, 2009.

Consequently, this Court is of the opinion that the order of the Division Bench in LPA 170/2008 would apply to the petitioner and not the order of the learned Single Judge in Vidya Wati Thukral and Anr. vs. Union of India and Ors. in W.P.(C) 3175/1995 dated 1st November, 2007.

Accordingly, present contempt petition is dismissed.

MANMOHAN, J

JULY 26, 2016

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