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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P. (C) 5469/2016, CM APPL.22787/2016

EBIZ.COM PVT. LTD. & ANR.

..... Petitioner

Through: Mr. J.K. Mittal with Mr. Rajveer Singh,
Advocates.

versus

UNION OF INDIA & ORS.

..... Respondent

Through: Mr. Satish Aggarwala with Mr. Amish
Aggarwala, Advocates for Resp-2.

Mr. Pradeep Singh Tomar, proxy for Ms. Sangeeta
Rai, Advocate for UOI/Resp-1.

CORAM:

HON'BLE MR. JUSTICE S. RAVINDRA BHAT

HON'BLE MR. JUSTICE NAJMI WAZIRI

ORDER

25.11.2016

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The petitioner seeks directions for refund of amounts deposited by it. He relies upon the judgment of this Court in its case decided on 1.9.2016 in W.P.(C)756/2016 (Ebiz.Com (i) Pvt. Ltd. v. UOI) where the Court had directed repayment/refund of ₹17 Crores to it by the respondents.

The respondents urge that the operation of the judgment of this Court has been suspended by the Supreme Court in an appeal by special leave (SLP (C) No.28325/2016) on 27.09.2016; a copy of the said order is placed on the record. A plain reading of the order

shows that the Court issued notice to show cause to the respondent, i.e., the petitioner in this case and also directed the stay of operation of the judgment of this Court dated 1.9.2016. It is submitted that the Court in that judgment had recorded findings that the detention of its Managing Director was illegal and consequently the amounts deposited were extracted under coercion. The Court upheld the contention that the detention was illegal and by way of a consequential order directed refund of the amounts.

In these circumstances, this Court cannot grant the reliefs sought. In case, the petitioner wishes any relief, it is open to it to take appropriate steps available in law including moving a suitable application before the Supreme Court.

The writ petition is disposed of in the above terms along with pending application.

S. RAVINDRA BHAT, J

NAJMI WAZIRI, J

NOVEMBER 25, 2016

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