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IN THE HIGH COURT OF DELHI AT NEW DELHI

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CONT.CAS(C) 899/2016

SANTOSH KHANNA & ORS

..... Petitioners

Through: Ms. Sunita Harish, Advocate with
Mr. Chaitanya Khanna, Attorney of
petitioner.

versus

M/S SOUTH ASIAN HOSPITALITY

SERVICES PVT LTD & ORS

..... Respondents

Through: Ms. Jagriti Ahuja, Advocate.

CORAM:

HON'BLE MR. JUSTICE MANMOHAN

ORDER

22.11.2016

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Present contempt petition has been filed alleging wilful disobedience of the order dated 27th November, 2014 passed in CS(OS) 259/2014.

In the petition, it has been averred that in violation of the order dated 27th November, 2014, respondents have failed to furnish TDS certificate to the petitioners.

It has also been averred in the petition that respondents have deducted Rs.64,000/- from rent of December, 2015, Rs.33,750/- from rent of April, 2015 and Rs.65,652/- from rent of September, 2015 towards maintenance of Air Handling Unit even though the same was not provided for in the agreement.

It is also stated that respondents have not paid three installments of differential rent payable in terms of the aforesaid order.

Today, Ms. Jagriti Ahuja, learned counsel for respondents has entered appearance. She states that after receipt of the notice, the respondents have paid the entire outstanding amount of Rs.22,45,500/-. She has also handed over a photocopy of the letter dated November 15, 2016.

Learned counsel for respondents assures this Court that respondents shall continue to pay the rent in accordance with the order dated 27th November, 2014 passed in CS(OS) 259/2014 and would continue to deposit the TDS as well as deposit outstanding TDS arrears, if any, within a period of four weeks.

A perusal of the said letter reveals that certain factual disputes are being sought to be raised by the respondents which would require a detailed hearing.

Since the petitioner has an alternative effective remedy by way of execution proceedings, this Court disposes of the present contempt petition with liberty to petitioner to file execution proceedings in accordance with the judgment of the Supreme Court in ***Kanwar Singh Saini vs. High Court of Delhi; (2012) 4 SCC 307.***

MANMOHAN, J

NOVEMBER 22, 2016

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