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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
% Judgment delivered on: 25.10.2016

+ CONT.CAS(C) 1085/2016
MANTEC CONSULTANTS PVT LTD Petitioner

versus

AJAY NARAYAN JHA & ORS Respondents

Advocates who appeared in this case:

For the Petitioner : Mr. Suneet Bhardwaj, Advocate.

For the Respondents : Mr. Manish Mohan, CGSC with Mr.
Shivam Chanana and Ms. Manisha
Saroja, Advocates for UOI.

CORAM:-
HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT
25.10.2016

SANJEEV SACHDEVA, J. (ORAL)

CM No.35530/2016 (exemption)

Exemption is allowed subject to all just exceptions.

CONT.CAS(C) 1085/2016

1. The petitioner has filed the present petition seeking initiation of contempt proceedings against the respondents for wilful disobedience of order dated 05.09.2016.

2. By order dated 05.09.2016, this Court had stayed the operation of order dated 23.08.2016, whereby, the petitioner had been debarred. This

Court had further directed removal of the order dated 23.08.2016 from the website.

3. It is contended that the respondents did not remove the order from the website, on account of which, the petitioner had to approach this Court seeking initiation of contempt proceedings against the respondents.

4. Learned counsel for the petitioner submits that the respondents have removed the order dated 23.08.2016 from their website after the service of the advance copy of the present petition.

5. Learned counsel for the respondents, who appears on advance notice, submits that the respondents had sought an opinion from the Law Ministry as well as the Law Officer with regard to possibility of filing of an appeal against the order dated 05.09.2016 and/or also with regard to the compliance of directions contained therein.

6. It is contended that as soon as the opinion was received, the respondents had removed the order dated 23.08.2016 from their website. It is contended that filing of the present petition was not instrumental in removal of the order. But, it was done by the respondents pursuant to the legal advice received.

7. It is contended that there is no contumacious conduct on the part of the respondents in not complying the order dated 05.09.2016, passed by this Court. However, certain time elapsed on account of the fact that the respondents had sought legal advice contemplating taking legal recourse against order dated 05.09.2016.

8. Though, in my view, the respondents should have acted with promptitude, however, the time that had elapsed is not such that one can say that there is contumacious wilful delay on the part of the respondents in not complying with the order dated 05.09.2016.

9. The respondents were entitled to take legal recourse against an order and to seek legal advice. I am of the view that there is no contumacious wilful delay on the part of the respondents in not complying with the order dated 05.09.2016.

10. I am not inclined to initiate any proceedings, exercising power under the Contempt of Court Act against the respondents.

11. The petition is, accordingly, dismissed. No costs.

SANJEEV SACHDEVA, J

OCTOBER 25, 2016
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