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

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Judgment delivered on: 01.03.2017

CONT.CAS(C) 179/2017

M/S S S FOOD INDUSTRIES

..... Petitioner

versus

ASHISH POPLI & ANR

..... Respondents

Advocates who appeared in this case:

For the Petitioner : Mr. Sanchar Anand with Mr. Sanjay Bhatt,
Advocates.

For the Respondent : Mr. Ajay Digpaul, CGSC with Ms. Madhuri
Dhingra, Adv. for R-1

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

01.03.2017

SANJEEV SACHDEVA, J. (ORAL)

1. The petitioner has filed the present petition seeking initiation of contempt proceedings against the respondents for violating order dated 29.08.2016 passed in W.P.(C) No. 7556/2016, titled as 'M/s S.S. Food Industries Vs. Integrated Headquarters of MOD (Army).

2. By order dated 29.08.2016, it was directed that the fixed deposit receipt, if not already encashed, be not encashed. It was further directed the fixed deposit receipt will be retained in the respondent's custody.

3. Learned counsel for the petitioner submits that despite the said directions the respondents have issued letter dated 24.01.2017 asking the bank to encash fixed deposit receipt No. 153900OR00001646 dated 10.03.2016.

4. Learned counsel appearing for the respondents submits that the respondent had issued letter of encashment to the bank prior to the passing of order dated 29.08.2016. In so far as three fixed deposit receipts are concerned, post encashment of the three receipts, the bank had issued pay orders in favour of the respondent. It is submitted that the pay orders have not been deposited in the bank and are still being retained with the respondents.

5. With regard to letter dated 24.01.2017, it is submitted that the said letter was issued on account of a bonafide error and there was no intention to wilfully violate any order of the court. He submits that the bank has not acted on the letter and has not encashed the fixed deposits.

6. Under instructions, learned counsel for the respondents submits that the respondents shall immediately issue a letter withdrawing the letter dated 24.01.2017, with intimation to the concerned bank.

7. With regard to the pay orders received by the respondents consequent to encashment of the three fixed deposit receipts, the respondents are directed to deposit the said pay orders in a bank and convert the same into interest bearing fixed deposits, subject to the further orders of the Court in W.P.(C) No. 7556/2016.

8. In view of above directions, no further orders are called for in this petition. The same is disposed of.

9. *Dasti* under signatures of the Court Master.

SANJEEV SACHDEVA, J

MARCH 01, 2017

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