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

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FAO 170/2014

SAVA INTERNATIONAL PVT. LTD

..... Appellant

Through: Mr. R.K. Nain, Advocate

versus

SHIV KUMAR & ORS

..... Respondents

Through:

**CORAM:**

**HON'BLE MR. JUSTICE J.R. MIDHA**

**ORDER**

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**19.07.2018**

**C.M. Appl. 6065/2018**

1. Vide order dated 27<sup>th</sup> September, 2017, this Court disbursed Rs.6,55,220/- to respondent no.1. Bank of India, Mohan Branch, Unnao, Uttar Pradesh was directed to send the compliance report with respect to the cancellation of debit card and/or cheque book before the next date of hearing. Relevant portion of the order dated 27<sup>th</sup> September, 2017 is reproduced hereunder:

*"1. The appellant has deposited Rs.4,30,000/- with the Commissioner, Employees' Compensation. The appellant had earlier deposited Rs.4,50,440/- with Commissioner, Employees' Compensation out of which 50% has already been released to respondent No.1 and the balance amount of Rs.2,25,220/- is lying in FDR with State Bank of India, Tis Hazari Court Branch. As such a sum of Rs.6,55,220/- (Rs.4,30,000/- + Rs.2,25,220/-) is with Commissioner, Employees' Compensation for disbursement to respondent No.1. Counsel for the appellant has also given the computation as well as the proof of deposit, which is taken on record.*

*2. Respondent No.1 is present in Court and has produced the passbook of his savings bank account No.732110110013021 with Bank of India, Mohan Branch, Gandhi Mission, HMKD Inter College, District Unnao, Uttar Pradesh – 209581 (IFSC Code:*

BKID0007321). Respondent No.1 has also produced his Aadhaar Card.

3. The Commissioner, Employees' Compensation is directed to disburse the aforesaid amount of Rs.6,55,220/- along with interested accrued thereon to respondent No.1 by instructing State Bank of India, Tis Hazari Branch as under:

(i) Rs.4,00,000/- be kept in 80 FDRs of Rs.5,000/- each in the name of respondent No.1 for the periods 1 month to 80 months respectively with cumulative interest.

(ii) The balance amount, after keeping Rs.4,00,000/- in FDRs, be released to respondent No.1 by transferring the same to his aforesaid savings bank account with Bank of India, Mohan Branch, Gandhi Mission, HMKD Inter College, District Unnao, Uttar Pradesh – 209581 (IFSC Code: BKID0007321).

4. All the original FDRs shall remain with State Bank of India, Tis Hazari Court Branch. However, the statement containing FDR number, amount, date of maturity and maturity amount shall be furnished by UCO Bank to the respondent No.1.

5. The maturity amounts of the FDRs be released to respondent No.1 in his aforesaid savings bank account.

6. No loan or advance or pre-mature discharge shall be permitted without the permission of this Court.

7. Bank of India, Mohan Branch, Unnao, Uttar Pradesh is directed not to issue any cheque book and/or debit card to respondent No.1 and if the same has already been issued, the Bank of India, Mohan Branch, Unnao, Uttar Pradesh, is directed to cancel the same and make an endorsement on the passbook that no cheque book or debit card shall be issued to respondent No.1 without the permission of this Court.

8. Bank of India, Mohan Branch, Unnao, Uttar Pradesh shall permit respondent No.1 to withdraw money from his savings bank account by means of a withdrawal form.

9. Bank of India, Mohan Branch, Unnao, Uttar Pradesh is directed to send the compliance report with respect to the cancellation of debit card and/or cheque book before the next date of hearing.

10. List for reporting compliance on 06<sup>th</sup> November, 2017.

11. Copy of this order be sent to Bank of India, Mohan Branch, Unnao, Uttar Pradesh as well as to State Bank of India, Tis Hazari Court Branch for compliance.”

(Emphasis supplied)

12. On 06<sup>th</sup> November, 2017, Bank of India, Mohan Branch, Unnao, Uttar Pradesh did not send the compliance report in respect of the order dated 27<sup>th</sup> September, 2017. Bank of India was directed to send the compliance report in terms of the order dated 27<sup>th</sup> September, 2017 within four weeks failing which the Manager, Bank of India, Mohan Branch, Unnao, Uttar Pradesh was directed to remain present. Again on 21<sup>st</sup> December, 2017 Bank of India, Mohan Branch, Unnao, Uttar Pradesh did not send the compliance report in respect of the order dated 27<sup>th</sup> September, 2017.

13. On 03<sup>rd</sup> April, 2018, Mr. Rajkumar Gupta, Branch Manager, Bank of India, Mohan Branch, Unnao, Uttar Pradesh was present in Court and he undertook to shall issue the FDRs in terms of order dated 27<sup>th</sup> September, 2017. This Court directed the Commissioner, Employees' Compensation to transfer Rs.4 lakh to Bank of India, Mohan Branch, Unnao, Uttar Pradesh (IFSC: BKID0007321) and the bank was directed to issue FDRs in terms of the order dated 27<sup>th</sup> September, 2017. Relevant portion of the order dated 03<sup>rd</sup> April, 2018 is reproduced hereunder:

*“1. Learned counsel for respondent No.1 submits that State Bank of India, Tis Hazari Court Branch has expressed inability to issue 80 FDRs and to transfer the maturity amount to the savings bank account of respondent No.1 with Bank of India, Mohan Branch, Unnao, Uttar Pradesh. Learned counsel for respondent No.1 further submits that the Manager, State Bank of India, Tis Hazari Court Branch has intimated him that State Bank of India has returned Rs.4 lakh to the Commissioner, Employees' Compensation. Learned counsel submits that the Commissioner, Employees' Compensation be directed to transfer Rs.4 lakh to Bank of India, Mohan Branch, Unnao, Uttar Pradesh (IFSC: BKID0007321) and Bank of India, Mohan Branch, Unnao, Uttar Pradesh be directed to issue 80 FDRs of Rs.5,000/- each in the name of respondent No.1 in terms of order dated 27th September, 2017.*

*2. Mr. Rajkumar Gupta, Branch Manager, Bank of India, Mohan Branch, Unnao, Uttar Pradesh is present in Court and submits that the Bank of India shall issue the FDRs in terms of*

order dated 27th September, 2017.

3. *The Commissioner, Employees' Compensation is directed to transfer Rs.4 lakh to Bank of India, Mohan Branch, Unnao, Uttar Pradesh (IFSC: BKID0007321) and upon receipt of the aforesaid amount, Bank of India, Mohan Branch, Unnao, Uttar Pradesh shall issue the FDRs in terms of the order dated 27th September, 2017. If the Commissioner, Employees' Compensation has not yet received Rs.4 lakh from the State Bank of India, Tis Hazari Court Branch, in that event State Bank of India, Tis Hazari Court Branch is directed to transfer Rs.4 lakh to Bank of India, Mohan Branch, Unnao, Uttar Pradesh (IFSC: BKID0007321). Compliance of this order be done by the Commissioner, Employees' Compensation as well as State Bank of India, Tis Hazari Court Branch within one week from today.*

4. *List for reporting compliance on 19th April, 2018."*

14. On 19<sup>th</sup> April, 2018, Commissioner, Employees' Compensation, Ashok Vihar confirmed that State Bank of India had transferred the amount of Rs.4,00,000/- to Bank of India, Mohan Branch, Unnao, Uttar Pradesh.

15. Bank of India, Mohan Branch, Unnao, Uttar Pradesh is directed to send a compliance report *firstly*, with respect to the cancellation of debit card and/or cheque book of respondent no.1 and *secondly*, with respect to issuance of 80 FDRs of Rs.5,000/- each in the name of respondent No.1 for the periods 1 month to 80 months respectively with cumulative interest in terms of order dated 27<sup>th</sup> September, 2017 and 03<sup>rd</sup> April, 2018.

16. Issue Court notice to the Branch Manager, Bank of India, Mohan Branch, Unnao, Uttar Pradesh. The Branch Manager is directed to send the compliance report in above mentioned terms, failing which the Branch Manager, Bank of India, Mohan Branch, Unnao shall remain present in Court on the next date of hearing. It is clarified that if the compliance report is received before the next date of hearing, the personal appearance of the Branch Manager is not required on the next date of hearing.

17. List on 28<sup>th</sup> September, 2018.

18. Copy of this order along with order dated 27<sup>th</sup> September, 2017 and 03<sup>rd</sup> April, 2018 be sent to Branch Manager, Bank of India, Mohan Branch, Unnao, Uttar Pradesh along with Court notice.

**J.R. MIDHA, J.**

**JULY 19, 2018**

**rsk**