

\$~2

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

+ **CONT.CAS.(CRL) 4/2016**

COURT ON ITS OWN MOTION

..... Petitioner

Through:

versus

H K MADHIA

..... Respondent

Through: Mr.Prashant Sharma, Advocate for
Contemnor.
Mr.Dhruv Sharma, Advocate for R-3.
Mr.Siddharth Dutta, Advocate for
R-4.

CORAM:

JUSTICE S.MURALIDHAR

JUSTICE I.S.MEHTA

ORDER
28.11.2017

%

1. The Court has heard learned counsel for the parties. As regards the digitization of records in the office of the Registrar of Co-operative Societies ('RCS'), learned counsel appearing on behalf of the RCS hands over a further communication dated 23rd November 2017 addressed to him which *inter alia* records as under:

"The work of digitization was started in department from 19.07.2016 and given to M/s Enhira Software Exports Ltd – a NISCI empanelled agency for e-office and the agency has scanned approx. one crore five lakh pages. The file for concurrence of payment of 60 lakh pages scanned by vendor was sent to Finance department and it has been returned back with some queries on 14.11.2017. Most of the file pertaining to different societies has been scanned and rest of files will be given to L 1 vendor selected through GeM portal after payment

of earlier work.”

2. In view of the above assurance, the Court does not consider it necessary to issue further directions in this regard. The Court expects that the assurance of completing the work of digitization will be adhered to by the RCS.

3. As regards the contempt petition, the learned counsel appearing for the Petitioner refers to para 2 of his reply to the show cause notice where the Petitioner has tendered an unconditional apology. The Court however notices that in the judgment dated 8th April 2016 passed by this Court in W.P.(C) No.363/2015, it has been noted in para 27 as under:

“27. Besides, we are also of the opinion, that the petitioner has, by his deliberate act (i.e. making false pleas to his own knowledge) with the intent to obstruct the administration of justice and to subvert the dispensation of justice and *prima facie* interfered with the due course of judicial proceedings by making *prima facie*, false pleas, induce the Court to pass orders. He, thus, is liable to be proceeded with for contempt of court too. For this purpose, the matter shall be referred to the appropriate Bench hearing criminal contempt actions, to be proceeded in accordance with law.”

4. The Court further notes that the Special Leave Petition filed against the above judgment by the Petitioner was dismissed by the Supreme Court by an order dated 1st August 2016. It is pointed out by the learned counsel for the Petitioner that adhering to the order passed by the Supreme Court, the Petitioner has vacated the premises in question and the possession thereof has been handed over to the Administrator.

5. Having heard the learned counsel for the parties and having considered the apology tendered by the Petitioner, which is supported by his own affidavit, it is deemed appropriate to hold the Petitioner guilty of committing contempt of Court and sentence him to remain in the courtroom till the Court rises for the day.

6. The contempt petition is disposed of accordingly.

S. MURALIDHAR, J.

I.S. MEHTA, J.

NOVEMBER 28, 2017

sr