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

+ **CONT.CAS(C) 733/2016 & CM APPL. 7464/2017**

ALKA DUTTA

..... Petitioner

Through Ms.Vidya Prabhakaran with
Mr.Akash Tyagi, Advocates.

versus

RITESH RANJAN SINHA & ANR

..... Respondents

Through Mr.Kunal Tandon with Ms.Snigdha
Sharma, Advocates.

CORAM:

HON'BLE MR. JUSTICE MANMOHAN

ORDER

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23.02.2017

Present contempt petition has been filed alleging wilful disobedience of the order dated 27th November, 2015 passed in W.P.(C) No.5316/2013, wherein it was held that the petitioner is entitled to inspection of Work Distribution Register of the concerned officials and of the Visiting Executive's Diary containing the comments of the visiting officers of the respondent's branch for the period January, 2002 to September, 2006, if available, and required to be maintained under rules. The petitioner was also held entitled to copies of the extract of such portion of the registers as she may desire, upon payment of requisite fees.

On 31st August, 2016, this Court had passed the following order:-

"Learned counsel for the petitioner admits that the Work Distribution Register for the period from 2002 to 2006 has been shown to the petitioner. He, however, states that the Visiting

Executive Diary for the period from 2002 to 2006 has not been shown to the petitioner.

Learned counsel for the respondents has today in Court produced the Executive Diary which contains minutes of the years 2003, 2004 and 2007.

Learned counsel for the petitioner has inspected the said Visiting Diary. He, however, states that another Diary was shown to the petitioner during the inspection which contained minutes for the years 2005 and 2006.

Let a responsible officer of the respondents file an affidavit stating that there are no Visiting Executive Diary minutes for the years 2005 and 2006.

Also as the Voucher Register from 16.4.2003 to 14.12.2006 has already been shown to the petitioner, the respondents should also state in the affidavit that the Voucher Register for the period from 01.4.2002 to 15.4.2003 and 15.12.2006 to 31.12.2006 are not available. Let the said affidavit be filed within a period of four weeks.

However, in the event, the aforesaid documents are available with the respondents, the same shall be shown to the petitioner before the next date of hearing.

List on 10th November, 2016.”

In compliance with the aforesaid order, the respondent-bank has filed an affidavit in which it is stated as under:-

“4. In compliance thereof, I state that as per my knowledge derived from the perusal of the records maintained by the Respondent No 3 at the Varanasi Branch.

i. Visiting Executive Diary Minutes:

- a) Only one register is maintained at the Branch, for visiting Executives to write their remarks, if any, on their visit to the Branch.*
- b) This Register has been inspected by the Petitioner.*
- c) No entries have been made in the Visiting Executive Register in the years 2005 and 2006.*

ii. Voucher Register:

- a) Voucher Register for the period 01-04-2002 to 15-04-2003 is*

not available.

- b) Voucher Registers with entries for the period 16-04-2003 to 14-02-2006 and for the period 01-08-2006 to 29-04-2009 have been inspected by the petitioner.*
- c) In these registers there are no entries between the dates 15-02-2006 to 31-07-2006, 22-08-2006 to 12-12-2006 and other periods intermittently.*

5. I state that there are no other registers for the relevant period maintained by the Respondent Bank at the Varanasi Branch”

Today learned counsel for the respondents states that it is impossible to believe that there are no entries in the Visiting Executive Diary for the years 2005 and 2006 and in the Voucher Register between 15.02.2006 to 31.07.2006 and 22.08.2006 to 12.12.2006.

In the opinion of this Court, if a respondent-bank official states on affidavit that there are no entries for the relevant periods, this Court has to believe it unless and until some documents are shown to the contrary. Also, this Court in the present proceedings cannot ask the respondent-bank to produce other documents just on the ‘ipse dixit’ of the petitioner that it is impossible that there would have been no entry for such a long time.

Consequently, the present contempt petition is disposed of as satisfied.

MANMOHAN, J

FEBRUARY 23, 2017
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