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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CCP(CO.) 22/2016**
COURT ON IT'S OWN MOTION

..... Petitioner

Through : Mr.D.N.Goburdhan, Adv.

versus

SHRI SURESH KHADE AND ANR.

..... Respondents

Through : None

CORAM:
HON'BLE MR. JUSTICE YOGESH KHANNA

ORDER
% **17.08.2017**

On 1st June, 2016, an order to the following effect in CA No.2184/2016 in Co.Pet.351/1999 was passed :

“This application has been moved by the Chairman for Court Appointed Committee praying for directions to the concerned Deputy Secretary, Home Department, Government of Maharashtra, and the Competent Authority under the Maharashtra Protection of Interests of Depositors Act, 1999 (hereinafter to be referred as ‘MPID Act’) to withdraw the notification dated 15th February, 2016 and the seizure order dated 6th May, 2016, in respect of the property being Flat No. 111, 1st Floor, Sagar Avenue, Opposite Shoppers Stop, S.V. Road, Andheri (West), Mumbai; or in the alternative to quash the said notification and order, inter alia, on the ground that the said flat stands attached in winding up proceedings before this Court and orders of sale of that flat, by the Official Liquidator, have also been issued on 3rd December, 2010 read with orders dated 8th December, 2015. It is pointed out that the latter order

came to be passed by this Court after examining all relevant circumstances; and it was concluded by this Court that since the property had already been taken over by the Official Liquidator in terms of orders passed by this Court, much before any attachment orders by the respondents under the MPID Act, consequently, there could be no question of any subsequent attaching coming about to negate the earlier orders passed by this Court.

In that context, whilst directing the Official Liquidator to proceed with the sale of the said flat, specific directions were also issued to the concerned authorities on 8th December, 2015 as follows:-

“Further, the Deputy Collector, Entertainment Tax, Mumbai City, who is the Competent Authority appointed under the MPID Act, 1999, is also restrained and directed not to proceed with any sale process in respect of the said flat being Flat No. 111, First Floor, Sagar Avenue Opposite Shoppers Stop, S. V. Road, Andheri (West), Mumbai-58 or to take any further steps in this regard, including, inter alia, in furtherance of the public notice for auction stated to have been taken out by the said Authority as stated in the aforesaid communication dated 21.11.2015 addressed to the Designated Court under the MPID Act, 1999. The Special Judge, MPID Court, may also be apprised of this order by learned counsel for the applicant.”

It is pointed out by counsel appearing for the Court Appointed Committee that notwithstanding the communication of these orders to both the respondents, the respondents have proceeded to pass the aforesaid orders on 15th February, 2016 and 6th May, 2016. Apart from the reliefs specifically sought in this application, prima facie, it would also appear that the respondents

are also in contempt of the aforesaid orders passed by this Court on 3rd December, 2010 and 8th December, 2015.

Under the circumstances, issue notice to the respondents in this application, returnable for 14th September, 2016, the date already fixed. At the same time, let further notice be also issued to Shri Suresh Khade, Deputy Secretary, Home Department, Government of Maharashtra, 2nd Floor, Mantralaya, Mumbai-400032 and Shri Devi Das Chaudhary, Deputy Collector Entertainment Tax, Office of Collector & District Magistrate, Mumbai City, Old Customs House, Shaheed Bhagat Singh Fort, Mumbai-400001, who are stated to be the concerned officers, who have issued the impugned orders, to show cause why proceedings in contempt be not initiated against them, returnable for the date fixed. The Registry of this Court is directed to open a separate file assigning fresh CCP number and place a copy of this order as well as this application on that file.

Till the next date of hearing, the respondents are directed to maintain the status quo and to ensure that no further steps are taken pursuant to notification dated 15th February, 2016 and the seizure order dated 6th May, 2016.

Looking to the overall circumstances at the matter and the manner in which the respondents No. 1 and 2 appear to be acting in this matter, let a copy of this order alongwith this application be also communicated to the Secretary, Home Department, Government of Maharashtra and the Collector Entertainment Tax, Mumbai, for intimation and necessary action with further directions to ensure that the orders passed by this Court are strictly implemented whilst leaving it open to them to take all necessary steps, including initiation of any administrative enquiries that they deem appropriate in the matter.”

It is submitted by Mr.Goburdhan, Advocate who is

representing the State of Maharashtra that he has already made statement to the following effect on 14.09.2016 which is recorded in Co.Pet. No.351/1999 when listed on 14.09.2016. The said statement is as follows :

“Mr. D. Gobardhan, Advocate representing the State of Maharashtra submits, on instructions an undertaking that no authority of the State Government of Maharashtra shall deal in any manner with property described as Flat No. 111, First Floor, Sagar Avenue, Opposite Shoppers Stop, S. V. Road, Andheri (West), Mumbai-58 in the wake of, or pursuant to, notification dated 15th February, 2016, promulgated by Deputy Secretary, Home Department, Govt. of Maharashtra under the Maharashtra Protection of Interests of Depositors Act, 1999 and/or seizure order dated 6th May, 2016 issued by the competent authority, inasmuch as the State of Maharashtra now acknowledges and concedes that the said property is subject matter of the proceedings before this Court. The submission made on behalf of State of Maharashtra satisfies the applicant. The State of Maharashtra shall remain bound by the assurance and undertaking given and as recorded above.”

Mr.D.Gobardhan reiterates the said undertaking before this Court, hence there is nothing left in this matter and the proceedings are closed.

YOGESH KHANNA, J

AUGUST 17, 2017
VLD