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

+ LPA 482/2018 & C.M.No.34472/2018 (stay)

HITENDER KUMAR MEHTA

..... Appellant

Through: Mr.J.K.Mittal, Adv. with Mr.Sumit
Saurav, Adv.

Versus

INSTITUTE OF COMPANY

SECRETARIES OF INDIA (ICSI)

..... Respondent

Through: Mr.R.D.Makheeja, Adv.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE V. KAMESWAR RAO

ORDER

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05.12.2018

1. Seeking exception to an order dated 27th July, 2018 passed by the learned writ Court in Cont. Cas (C) No.551/2018 and order dated 22nd May, 2018 in W.P.(C) No.5563/2016, this appeal has been filed by the appellants in under Clause 10 of the Letters Patent Act.

2. In the original writ petition filed which was decided vide order dated 22nd May, 2018, it was the grievance of the appellant that the Disciplinary Committee of the respondent/Institute is not deciding the disciplinary action pending against the appellant. Now the final orders have been passed by the said Committee on 22nd October, 2018. Once the final order has been passed, the appellant has the liberty to challenge the same before appropriate forum or Court in accordance with law. However, learned counsel for the appellant submits that during the pendency of the writ petition and the

contempt proceedings, various incorrect statements and submissions were made by the respondent and, therefore, action under Section 340 of the Code of Criminal Procedure for contempt should be taken against the respondent.

3. Once the final order in the disciplinary proceedings have been passed on 22nd October, 2018, the grievance of the petitioner canvassed in the original writ petition with regard to non-decision by the disciplinary action stands redressed. That being so, now the appellant is required to challenge the final order passed by the Disciplinary Committee, if so desired. In case the petitioner feels that during the pendency of the contempt proceedings or the writ petition any action has been taken by the respondent for which they are liable to be proceeded against legally either under Section 340 Cr.P.C. or under the provisions of the Contempt of Courts Act, 1971 or otherwise, the petitioner can always invoke the said jurisdiction of the competent Court.

4. Accordingly, with the aforesaid, finding the petition to have been rendered infructuous in view of the final order passed by the Disciplinary Committee, the appeal stands disposed of.


CHIEF JUSTICE


V. KAMESWAR RAO, J

DECEMBER 05, 2018
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