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

+ W.P.(C) 2924/2018 & CM No.11794/2018

RAMA KAPOOR AND ANR. Petitioners

Through: Mr Mayank Pandey, Advocate.

versus

OFFICE OF ASSISTANT COLLECTOR IST/IIND
GRADE AND ANR. Respondents

Through: Mr Ramesh Singh, Standing
Counsel, GNCTD with Ms Namita
Goyal and Mr Chirayu Jain,
Advocates.
Mr Shyam Moorjani, Advocate for
R-2.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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19.02.2019

1. The petitioner has filed the present petition, *inter alia*, impugning a communication dated 25.07.2017 and the show cause notice dated 31.01.2018. By the impugned communication dated 25.07.2017, the Rajasthan Financial Corporation (respondent no.2 – hereafter 'RFC') had requested the Deputy Commissioner (South) to cooperate with the petitioner in legal cases and called upon the concerned authority to not transfer the properties as stated therein, in the event any of the legal heirs of Shri Kuldeep Kapoor (the petitioners herein) applied for transfer of the said properties, without clearance of the alleged dues owed to RFC.
2. By the impugned show cause notice dated 31.01.2018 RFC had

called upon the noticees, including petitioner no.1, to show cause as to why proceedings for detention not be initiated as per the relevant law and, further, show cause as to why their assets not be attached under the provisions of the Delhi Land Revenue Act, 1954 and Punjab Land Revenue Act, 1887.

3. It is the petitioner's case that no amount was determined as payable by them and, therefore, any proceedings to initiate coercive steps for recovery of the same would be unsustainable.

4. Mr Moorjani, learned counsel appearing for RFC states that it is not necessary to examine the said question in this petition, as subsequent to the filing of the present petition, RFC has issued a show cause notice dated 21.01.2019 inviting objections from both the petitioners. He further states that the decision in this regard would be taken after affording the petitioners an opportunity to be heard.

5. Since RFC has now issued a fresh notice inviting objections from the petitioner, the earlier show cause notice does not survive. Further, the impugned communication dated 25.07.2017 is also unsustainable. Accordingly, the impugned communication dated 25.07.2017, as well as the impugned show cause notice dated 31.01.2018, are set aside.

6. It is clarified that this would not preclude the respondents, in any manner, from passing the appropriate order after affording the petitioners an opportunity of hearing, in accordance with law. It is also clarified that this Court has not expressed any opinion on the merits of the disputes and nothing stated herein should be construed as such. All rights and contentions of the parties are reserved.

7. The pending application stands disposed of.

8. Order *dasti* under signatures of the Court Master.

VIBHU BAKHRU, J

FEBRUARY 19, 2019
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