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* IN THE HIGH COURT OF DELHI AT NEW DELHI

Judgment delivered on: 10.07.2023

+ CONT.CAS(C) 900/2023

DR KUMAR ALOK

..... Petitioner

versus

ANISH DAYAL SINGH DG ITBP AND ORS Respondents

Advocates who appeared in this case:

For the Appellant:

Mr. Rajesh Kumar Gautam, Mr. Anand Gautam,
Mr. Sumit Sharma, Ms. Anani Achumi, Ms.
Madhumita Bagchi and Mr. Dinesh Sharma,
Advocates

For the Respondents:

Mr. Ruchir Mishra, Mr. Sanjiv Kr. Saxena, Mr.
Mukesh Kr. Tiwari, Ms. Poonam Shukla and Ms.
Reba Jena Mishra, Advocates

CORAM:-
HON'BLE MR. JUSTICE SANJEEV SACHDEVA
HON'BLE MR. JUSTICE MANOJ JAIN

JUDGMENT

SANJEEV SACHDEVA, J. (ORAL)

1. Petitioner seeks initiation of proceedings against the respondent under the Contempt of Court Act, 1971.
2. It is contended by the petitioner that the respondents have deliberately violated the order of this Court dated 26.05.2023 directing



that no coercive action shall be taken against the petitioner.

3. Learned counsel for the respondent who appears on advance notice submits that letter dated 26.05.2023 was issued on the same date when the proceedings were on in this Court and there was no willful disobedience of the order of the Court and the letter had been prepared earlier and was issued on the said date by the concerned officer without knowledge of the order passed by this Court dated 26.05.2023. He submits that subsequently by letter dated 06.07.2023, said letter of 26.05.2023 has already been withdrawn and no coercive action is being contemplated against the petitioner. The statement is taken on record.

4. Learned counsel for the petitioner submits that in further breach of this order dated 26.05.2023, the respondent have deposited a sum of Rs. 54,73,448/- which had been demanded from the petitioner towards fulfilment of the bond has been re-deposited in his account.

5. It is clarified that the deposit of the said amount in the account of the petitioner shall be without prejudice to the rights and contentions of the parties in the writ petition filed by the petitioner being W.P. (C) No. 7460/2023.

6. In view of the above, learned counsel for the petitioner submits that petitioner does not wish to press the present petition any further.

7. The petition is accordingly disposed of as not pressed.

8. Learned counsel for the parties pray that W.P. (C) No. 7460/2023 be expedited for hearing. Learned counsel for the respondent submits that he shall be filing the counter affidavit to the



said writ petition within four weeks from today.

9. Let counter affidavit be filed within four weeks. Rejoinder, if any, be filed before the next date of hearing.

10. The petition be listed before Court on 06.09.2023 for consideration.

11. The date fixed before the Joint Registrar i.e. 06.09.2023 is cancelled.

12. Parties shall also file a brief note of submissions before the next date of hearing.

SANJEEV SACHDEVA, J

MANOJ JAIN, J

JULY 10, 2023

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