

**HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU**

CCP(D) No.56/2023

M/s Dev Alloys and another

...Petitioner(s)

Through: None

V/s

Paramjeet Singh Salathia and another

...Respondent(s)

Through: Mr. Akash Gupta, Advocate

**Coram: HON'BLE MR. JUSTICE SANJEEV KUMAR, JUDGE
HON'BLE, MR. JUSTICE PUNEET GUPTA, JUDGE**

ORDER

03.12.2024

1. This is a petition for initiating contempt proceedings against the respondent for willful disobedience and non-compliance of the order 02.08.2023 passed in WP(C) No.1966/2023, whereby this Court has provided interim protection to the petitioners to the effect that till the petitioners approach the competent Debt Recovery Tribunal and till appropriate orders are passed by the Tribunal, auction process may not be finalized.

2. It is submitted by the respondents in the statement facts/compliance report that order dated 02.08.2023 was passed by this Court in ex-parte and on the motion hearing stage without notice to the respondents. It is submitted that the order dated 02.08.2023 was served upon the respondents through whatsapp message on 04.08.2023, however, the auction proceedings stood concluded/finalized on 03.08.2023. It is submitted by the respondents that there is no non-compliance of the order dated 02.08.2023.

3. On the last date of hearing i.e. 03.05.2024, learned counsel for the petitioners when confronted with the aforesaid position, sought some time to file additional documents to establish that the order of this Court was

communicated to the bank on 2nd August, 2023 itself. More than six months have passed, no such document has been placed on record.

4. In these circumstances, we are left with no option but to accept the plea of the respondents that they received the copy of the order through whatsapp only on 04.08.2023, whereas they had already completed the auction proceedings on 03.08.2023.

5. In view of the above, no case for initiating contempt proceedings against the respondents is made out. Accordingly, proceedings in this petition are closed.

(Puneet Gupta)
Judge

(Sanjeev Kumar)
Judge

JAMMU:
03.12.2024
Vinod, Pvt. Secy.