



\$~6

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

+ **CONT.CAS(C) 1027/2023**

SUNIL K AGGARWAL

.....Petitioner

Through: Petitioner in person

versus

SECRETARY TO GOI MOD AND OTHERS

.....Respondents

Through: Ms. Anushkaa Arora, Sr. Panel  
Counsel for R-1,2 and 4 to 8

**CORAM:**

**HON'BLE MR. JUSTICE SURESH KUMAR KAIT**

**HON'BLE MR. JUSTICE GIRISH KATHPALIA**

**ORDER**

**31.07.2024**

%

1. The present contempt petition has been filed alleging non-compliance of order dated 18.04.2023 of W.P.(C) 4859/2016. By way of order dated 18.04.2023, respondent nos. 1 and 2 were directed to file brief note of submissions within four weeks with an advance copy of the same to be sent the petitioner on his email ID; and liberty was granted to counsel for the UPSC (*respondent no.3 therein*) also to file brief note of submissions within four weeks. The said respondents having not filed written submissions, petitioner has brought this contempt petition alleging that by not filing written submissions, the said respondents have committed contempt of court and are liable to be proceeded against.

2. We are of the clear view that merely on account of failure on the part of respondents to file written submissions, contempt proceedings against them cannot be triggered. Therefore, the present contempt petition is



dismissed as not maintainable.

3. However, despite our having dictated the above order in open Court, the petitioner continues to insist loudly that this order is wrong and this Court ought to continue the contempt proceedings. The petitioner has been repeatedly requested not to continue his submissions since the order has already been passed. But the petitioner does not stop interrupting the proceedings of this Court.

4. We have also examined the previous record reflecting such conduct of the petitioner. The present contempt petition as well as the writ petition were repeatedly transferred as various judges recused themselves on account of unpleasant situations created by the petitioner in Court.

5. The order dated 03.05.2024 describing conduct of the petitioner before the coordinate Bench is reproduced hereinbelow:

*“1. Petitioner, who appears in person, prays that this matter be adjourned. Petitioner has also sent an email on the email of the Court Master seeking that the matter be adjourned till the pending applications filed by him are taken on board and reviews are decided/recalled.*

*2. Perusal of the order sheets show that petitioner has been filing application after application thereby preventing the hearing to go on. Several Benches have transferred the petition noticing his conduct. Petitioner who appears in person submits that he has also filed certain applications with regard to orders passed by one of us (Sanjeev Sachdeva J.). He further submits that this is not the Roster Bench and states that the matter be transferred to the appropriate Bench.*

*3. We notice that the matter was earlier placed before the Roster Bench. However, after lengthy arguments, Petitioner made certain comments against the Bench because of which, the petition was transferred to another Bench. Said Bench in order dated 14.03.2024 records that he was asked to make submissions and he requested that the matter be placed before an appropriate Bench.*



*4. Petitioner, at this stage, submits that he had not asked for the matter to be transferred on 14.03.2024 and has filed a review petition against the said order.*

*5. However, before us, the contention of the petitioner is that this Bench is not the Roster Bench and the matter should be transferred. Further, noticing the tenor of the email as also the applications filed by the petitioner, subject to the order of Hon'ble the Acting Chief Justice, list the petition before a Bench of which one of us (Sanjeev Sachdeva J.) is not a Member on 21.05.2024."*

6. Even thereafter, the petitioner sent an email dated 30.07.2024 on the official email-Ids of Mr. Bharat Gulati and Mr. Manish Prasad (Court Masters). Contents of the said emails are not being reproduced here, but suffice it to say that the same are not in good taste.

7. Further, as reflected from record, the petitioner has been flooding the present contempt petition as well as his writ petition with frivolous applications so as to protract the proceedings.

8. We are conscious that the petitioner is litigating in person. But perusal of record reflects that the predecessor benches also got appointed free legal aid counsel to assist the petitioner, but his conduct towards those counsel also was such that they returned the briefs and finally Delhi High Court Legal Services Committee got constrained to take a decision not to provide free legal aid counsel to the petitioner. In this regard, order dated 02.11.2017 passed in the writ petition can be seen.

9. In view of above circumstances, we now find it necessary to take action in accordance with law. We are of the *prima facie* view that above mentioned acts on the part of the petitioner tantamount to contempt of this Court by obstructing the administration of justice.

10. Subject to orders of Hon'ble the Acting Chief Justice, list the matter



before another bench for initiating contempt proceedings against the present petitioner on 27.08.2024.

**SURESH KUMAR KAIT, J**

**GIRISH KATH PALIA, J**

**JULY 31, 2024/riya**

11. At this stage (post-lunch session) petitioner/contemnor appears in person and tenders unqualified apology, assuring not to continue with his misconduct.

12. Contemnor has assured this Court that neither he shall send any email to the Court staff nor he shall file irrelevant applications before the Court.

13. Keeping in view the age of the petitioner, we hereby accept his apology and discharge him from the contempt proceedings.

14. A copy of this order be placed on record of the W.P.(C) 4859/2016.

**SURESH KUMAR KAIT, J**

**GIRISH KATH PALIA, J**

**JULY 31, 2024/riya**