



2024:DHC:6172-DB



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

+ **LPA 788/2024 & CM APPL. 46604/2024**

SURESH KUMARI

.....Appellant

Through: Mr. Tanmaya Mehta and Mr. Jai
Shankar Sikand, Advocates

versus

MR. AJAY KUMAR & ANR

.....Respondents

Through: Mr. Jayant Bhushan and Mr. Sandeep
Sethi, Senior Advocates with Mr.
Ravi Shankar Nanda, Ms. Madhurima
Sarangi, Mr. Amartya Bhushan, Mr.
Yojit Mehra, Ms. Riya Kumar and
Mr. Varun Kumar, Advocates for R-1
& 2.

Mr. Nalin Kohli, Ms. Nimisha
Menon, Ms. Vijeta Singh and Ms.
Shruti Agrawal, Advocates for IRP.

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Date of Decision: 14th August, 2024

CORAM:

HON'BLE THE ACTING CHIEF JUSTICE

HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

JUDGMENT

MANMOHAN, ACJ : (ORAL)

1. Present Letters Patent Appeal has been filed seeking directions to restrain respondent from alienating units in the project “Ace Palm Floors, Sector-89, Gurgaon” and any other asset which has been generated from the funds from Greenopolis Project. The appellant further seeks a direction to

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learned Single Judge to hear and pass appropriate order in Contempt Case No. 328/2024 in W.P.(C) No. 1567/2024 titled “*Suresh Kumari v. Registrar of Companies & Ors*” in a time bound manner.

2. Learned counsel for the appellant states that the appellant is aggrieved by the fact that despite multiple hearings, learned Single Judge has failed to issue notice in the contempt petition filed by the appellant in which the respondents are promoters/directors associated with the Ace Group.

3. At the outset, learned senior counsel for the Ace Group raise a preliminary objection to the maintainability of the present appeal on the ground that no appeal has been provided under the Contempt of Courts Act, 1971 to a person aggrieved by non-initiation of contempt proceedings. In support of their submission, they rely upon the judgments in *Arun Khanna v. Vinod Khanna 2024 SCC OnLine Del 2202* and *Midnapore Peoples’ Coop. Bank Ltd and Others v. Chunilal Nanda and Others (2006) 5 SCC 399*.

4. This Court finds that the appellant has not challenged any order passed by the learned Single Judge.

5. At this stage, learned counsel for the appellant states that the appellant would be satisfied if a direction is issued by this Court directing the learned Single Judge to decide the W.P.(C) No. 1567/2024 along with the Contempt Case No. 328/2024 in a time bound manner.

6. Keeping in view the aforesaid, the present appeal is disposed of with a direction to the learned Single Judge to decide the Contempt Case No. 328/2024 as well as W.P.(C) No. 1567/2024 as expeditiously as possible, preferably within three months.

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7. The rights and contentions of all the parties are left open. This Court clarifies that it has not commented on the merits of the controversy.

ACTING CHIEF JUSTICE

TUSHAR RAO GEDELA, J

AUGUST 14, 2024

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