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

% **Date of Decision: 26th November, 2024**

+ **CONT.CAS(C) 1869/2024 & CM APPL. 68782/2024**

APEX INTERNATIONAL

.....Petitioner

Through: Mr. Arif Ahmed Khan with Mr. Afroz Ahmad Khan, Mr. Manoj Awasthi and Mr. Luv Mahajan, Advocates.

versus

SMT CHANCHAL YADAV & ORS.

.....Respondents

Through: Mr. Avishkar Singhvi (ASC) and Mr. Vivek Kr. Singh Advocates.

CORAM:

HON'BLE MR. JUSTICE MANOJ JAIN

J U D G M E N T (oral)

1. Petitioner seeks initiation of contempt proceedings against the respondents for violating the direction contained in order dated 28.05.2024 passed by learned Division Bench in W.P.(C) No. 7919/2024.

2. Para 4 and 5 of the above said order read as under:-

“4. In view of the above this petition is disposed of directing the Competent Authority to process the refund claim of the petitioner within a period of four weeks from today. If the Competent Authority holds that refund has 'to be granted then the refund amount be forthwith credited to the account of the petitioner. In case there is any ground to reject the claim for refund either in full or in part, the reasons thereof be communicated to the petitioner within a period of four weeks from today.

5. While processing the refund claim, the Competent Authority shall also comply with the provisions of Section 42 of the Act.”

3. According to learned counsel for petitioner, the above said period of four weeks has already expired and he has not heard anything from the Competent Authority.



4. Learned counsel for respondent appears on advance notice and submits that various notices were issued to the petitioner to appear before the Competent Authority but since he did not appear and there was a direction to dispose of the matter in a time-bound manner, the Competent Authority has already taken a decision on 12.09.2024 whereby the claim of the petitioner seeking refund has been rejected *in toto*.
5. A copy of such decision has also been placed on record.
6. Taken on record. It be made part of e-file.
7. It is also undertaken by Mr. Singhvi, learned ASC that the copy of said order shall also be provided to petitioner/learned counsel for petitioner through e-mail today itself.
8. According to learned counsel for petitioner, the petitioner had never received any such communication. He, however, states that he would explore the other possible legal options available to petitioner under the law for challenging the above said order dated 12.09.2024.
9. In view of the above, nothing further survives in the present contempt petition.
10. The contempt petition is, accordingly, dismissed.
11. Petitioner is at liberty to avail other permissible action under law.

(MANOJ JAIN)
JUDGE

NOVEMBER 26, 2024/SW