



14.

* IN THE HIGH COURT OF DELHI AT NEW DELHI

+ CONT.CAS(C) 722/2010 & CM NO.4207/2011

% *Judgment Delivered on: 22.03.2011*

NEERAJ GUPTA & ANR Petitioner

Through : Mr. Rajan Gupta, petitioner no.2

versus

ARUN S.BHATNAGAR, COMMISSIONER
OF INCOME TAX

..... Respondent

Through : Mr. Sanjeev Sabharwal, Adv. for
respondent no.1.

Ms. P.L. Bansal, Sr. Adv. with

Mr. Deepak Anand, Adv. for respondents
no.2 and 3.

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI

1. Whether the Reporters of local papers may be allowed to see the judgment?
2. To be referred to Reporter or not?
3. Whether the judgment should be reported in the Digest?

G.S.SISTANI, J. (ORAL)

1. Present contempt petition has been filed by the petitioner complaining non-compliance of the judgment dated 5.7.2010 passed by a Division Bench of this Court.
2. On 27.1.2011, the following order was passed by this Court:

" CONT.CAS(C)NO.722/2010.

Ms. Prem Lata Bansal, learned counsel for respondents no.2 and 3, submits that a cheque in the sum of ₹1,07,79,958/- has been prepared, however, she points out that income tax in sum of ₹27.00 lakhs along with interest accrued thereon, is also due from Mr. Neeraj Gupta, petitioner no.1 herein. Mr. Rajan Gupta submits that he has instructions to state that this amount may be also adjusted from ₹1,07,79,958/-. Let a formal authorization be filed within three days from today.

Ms. Prem Lata Bansal, learned counsel for respondents no.2 and 3, states on instructions that the balance amount shall be released within one week from today. As far as the assets, books of accounts and records



are concerned, the same shall be released within a period of three weeks from today positively.

Mr. Sanjeev Sabharwal, learned counsel for respondent no.1, wishes to file an additional affidavit on record, an advance copy of which has been supplied to Mr. Rajan Gupta, authorized representative of the appellants, in court today. Let the additional affidavit be filed in the Registry.

List on 22.3.2011.”

3. It is pointed out that subsequent to the passing of the above order, CM No.2491/2011 was filed by the petitioner herein in W.P.(C)No.5940/2010, where the Division Bench on 10.3.2011 has passed the following order:

“
 ORDER
 10.03.2011
 C.M. No. 2491/2011

By virtue of our order dated 17.01.2011, we had disposed of the writ petition on the basis of the statement made by the learned counsel for the Revenue that pursuant to the decision of this Court in ITA No. 884/2009 and ITA No.885/2009 decided on 05.07.2010, the assets/records/documents of the petitioners shall be released to them within four weeks in accordance with law. It appears that the department is ready to release the said documents subject to the realization of dues to the extent of approximately Rs. 64.93 lacs which, according to the respondents, are payable by the petitioner Neeraj Gupta. It is now agreed that all the assets/records/documents of the petitioners shall be released to them within two weeks subject to the petitioner Neeraj Gupta furnishing a bank guarantee for the said amount of Rs. 64.93 lacs in favour of the Commissioner of Income Tax-VIII, Delhi. The bank guarantee shall not be en cashed unless and until there is a determination by the Assessing Officer with regard to the demand raised by the Revenue after giving an opportunity to the petitioner Neeraj Gupta to present his case who will fully cooperate with the Revenue in having this matter determined finally. The Assessing Officer shall determine the amount, if any, payable by Mr Neeraj Gupta to the Revenue within four weeks.

CM stands disposed of.”

4. Learned counsel for the respondents submit that upon the petitioner complying with Order of the Division Bench and furnishing a bank guarantee in the sum of ₹64.93 lakhs, the assets/records, documents, as detailed in the order of the Division Bench shall be released in favour of the petitioner.



5. At this stage, Mr. Rajan Gupta wishes to withdraw present contempt petition and application with liberty to file a fresh petition, if so advised and if maintainable, in accordance with law.
6. Accordingly, contempt petition and application stand dismissed as withdrawn. Liberty, as prayed for, is granted.

G.S. Sistani
G.S. SISTANI, J.

March 22, 2011
'msr'

- Cont Pet
Dismissed
22/03/11

⇒ CM - 2152/11 (Direction)
⇒ CM - 2153/11 (Ex)