

Date of Order : 29-07-2004

HON'BLE MR. N.P.GUPTA,J.

Mr.Sudhir Sharma, for the petitioner.

Heard learned counsel for the petitioner.

Vide order dated 9.4.04 (Annex.7), this court granting indulgence, directed the respondents to consider the case of petitioner, in case the petitioner deposits 25% of the amount of Rs. 17 lacs within 15 days from that date and presents a fresh proposal , in that event, respondents were directed to sympathetically consider the case of petitioner. Admittedly, amount was not paid or deposited with the respondents as contemplated in the order Annex.7. Not only this, thereafter on the other hand, petitioner filed another application contending that in the order Annex.7, by inadvertence, it was not mentioned that till fresh proposal is filed and decided, no coercive measure be taken against the petitioner. It is different story that application was opposed, this court vide order dated 10.5.04, passed the fresh order and it was further directed as under:-

“(1) That now if the petitioner-applicant deposits 25% of the amount of Rs. 17 lacs within 15 days from today and presents a fresh proposal before the respondents within that period, the proposal of the petitioner-applicant would be considered by the respondents sympathetically in accordance with the relevant provisions of the law.

(2)That till the fresh proposal of the petitioner-applicant is considered and decided by the respondents, the status quo as it exists today shall be

maintained by the respondents.

(3)That the respondents are further directed to decide the fresh proposal of the petitioner-applicant within a period of two months from the dates of receipt of the same from the petitioner-applicant.”

It is not in dispute that petitioner has not deposited 25% amount within 15 days, on the other hand, he has only given post dated cheque presentable on 25.7.04, which cannot be said to be tent amounting to deposit the amount within 15 days as contemplated in the aforesaid order.

In that view of the matter, I do not find any error on the part of respondents in passing the order Annex.14-A, simply because it has additionally been mentioned therein that, amount offered by petitioner is too low, as against the outstanding. The writ petition is, therefore, dismissed summarily.

(N.P.GUPTA),J.

Srawat/-