

Wholesale Trading Services P Ltd vs The Institute Of Chartered Accountants ... on 31 May, 2021

Author: Jyoti Singh

Bench: Chief Justice, Jyoti Singh

\$~21

*

+

IN THE HIGH COURT OF DELHI AT NEW DELHI

LPA 89/2021

WHOLESALE TRADING SERVICES P LTD Appellant

Through: Mr. R. Subramanian, Adv.

versus

THE INSTITUTE OF CHARTERED ACCOUNTANTS OF INDIA

..... R

Through: Ms. Archana Sahadeva, Adv. for R

Mr. S. Ganesh, Sr. Adv. with Mr. Mahesh

Agarwal, Mr. Himanshu Satija & Mr. Shaish

Divatia, Advs. for the Intervenor

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

% 31.05.2021 Proceedings have been conducted through video conferencing.

1. This disposed of appeal has been listed today before us for reporting compliance. The appeal was disposed of by this Court vide judgment dated 01.03.2021. The relevant part of the judgment is reads as under:

"3. In view of the aforesaid, we see no reason to entertain the present LPA as no conclusive determination of rights and liabilities of the parties have been decided. This LPA is accordingly dismissed along with the pending application, with costs of Rs.10,000/- to be deposited by the appellant (original petitioner) with the Member Secretary, Delhi State Legal Service Authority within four weeks from today. The amount deposited will be use by Member Secretary, DLSA, for "Access to Justice"

programmes."

2. Admittedly costs imposed, as mentioned in para 3 of the judgment has not been deposited by the appellant.

3. Vide judgment dated 01.03.2021 passed by this Court, the appellant/Director of the appellant company was directed to deposit the costs within four weeks from the date of the order i.e. by 29.03.2021 and the matter was listed for compliance on 12.04.2021. On 12.04.2021 the Court could not assemble and the matter was adjourned to 27.04.2021. On 27.04.2021 the matter could not be taken up and hence was adjourned for 31.05.2021. Now the learned counsel for the appellant orally requests for further time up to 31.08.2021 for depositing the costs.

4. Learned counsel appearing for the appellant submits that Mr. T. Sharat Babu is one of the Directors of the appellant and responsible for the conduct of the affairs of the Company and is also a deponent of the affidavit filed in support of the appeal and thus responsible for depositing the costs. The directions, of which there is non-compliance, were passed way back on 01.03.2021. It also needs to be noted that costs have been imposed on the appellant in four other writ petitions decided by this Court, the earliest order dated 07.07.2017 and there is total disregard of the orders of the Court. It appears that the appellant is adamant in not complying with Court directions. It would be useful at this stage to refer to para 5 of the judgment dated 01.03.2021 in this regard which reads as under:

"5. Mr. S. Ganesh, the learned Senior Counsel appearing in matter has submitted that there are as many as four such matters in which this Court has imposed costs and the same has not yet been deposited by the appellant. The details of those matters are as follows:-

Sl.No. Case Details Date of Bench Costs Order

1. Wholesale Trading 07.07.2021 Division bench Rs. 10,000/-

Services Pvt. Ltd. v. of the Hon'ble imposed as costs on UOI; WP(C)5602/2017 Delhi High the Appellant.

Court

2. Wholesale Trading 04.12.2017 Hon'ble Delhi Rs. 10,000/-

	Services Pvt. Ltd. v. UOI; WP(C) 10536/2017	High Court
3.	Wholesale Trading Services Pvt. Ltd. v. ICAI & Ors; WP(C) 8071/2019	01.08.2019 Hon'ble Delhi High Court

4. Wholesale Trading 01.08.2019 Hon'ble Delhi
Services Pvt. Ltd. v. High Court
ICAI & Ors;

WP(C) 8081/2019

5. In view of the adamant attitude of the appellant, we hereby direct the appellant to deposit the costs of Rs.10,000/- imposed by this Court vide judgment dated 01.03.2021 on or before 08.06.2021, failing which, Station House Officer/In-charge of Police Station Vepery, Jermiah Road, Vepery, Park Town, Chennai, Tamil Nadu-600007 is directed to arrest Mr. T. Sharat Babu, S/o Mr. Thadi Krishnamurthy, Director of the appellant i.e. M/s Wholesale Trading Services Pvt. Ltd., Basement, "Kalyan", No.4, Jyothi Venkatachalam Road, Vepery, Chennai - 600007 and put him behind bars till further orders. In case Mr. T. Sharat Babu S/o Mr. Thadi Krishnamurthy, is not found and/or arrested by the Station House Officer/In-charge Police Station, Vepery, we further direct the Station House Officer/In-charge of the concerned Police Station at Asif Nagar, Hyderabad, Telangana, to arrest Mr. T. Sharat Babu, from HN-12-1-331/98, Dattatreya Colony, Asif Nagar, Hyderabad, Andhra Pradesh-500028 and place him behind bars until further orders.

6. It is open to Mr. T. Sharat Babu to apply for bail, in the eventuality of his arrest, before the appropriate Forum, in accordance with law.

7. If the costs of Rs.10,000/- imposed by this Court are deposited on or before 08.06.2021, needless to state, that there shall be no arrest. In case Mr. T. Sharat Babu deposits the costs, post his arrest, he shall be released from custody forthwith.

8. List on 28.07.2021 for reporting compliance.

CHIEF JUSTICE JYOTI SINGH, J MAY 31, 2021/ns