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

+ **CONT.CAS(C) 505/2023**

ASHISH LUTHRA

..... Petitioner

Through: Mr. Akshat Kulshreshtha and Mr.
Kartik Dabas, Advocates

versus

SHRI NARESH KUMAR AND ANR

..... Respondents

Through: Ms. Arushi Gupta, Advocate for Mr.
Jawahar Raja, ASC, GNCTD

CORAM:

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

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20.04.2023

1. This petition has been filed stating that the Respondents have failed to comply with the time bound directions issued by the Coordinate Bench of this Court *vide* judgement dated 07.12.2022 passed in W.P.(C) No. 12022/2022, whereby, the Court issued the following directions:-

“15. Let the Petitioner's application seeking refund be proceeded with by the Respondents, on merits. Let the refund of excess stamp duty paid by the Petitioner be processed by the Respondents, in accordance with law, within four weeks. In doing so, the Respondents shall also examine as to whether refund of only the principal amount would be liable to be granted under the Indian Stamp Act, 1899, or the Petitioner would also be entitled to refund of penalty. The authority shall also consider if any interest on the excess amount is also liable to be refunded.”

2. The learned counsel for the Petitioner states that the aforesaid order dated 07.12.2022 has not been complied with and in fact, the Petitioner had also issued a communication to the Respondents on 03.02.2023, which has



not received any reply.

3. Issue notice. The learned counsel for Respondents accepts notice.

4. She, at the outset, tenders her unconditional apology and states that the non-compliance has occasioned on account of the fact that the order dated 07.12.2022 and directions contained therein, skipped the attention of the concerned officers.

5. She states, on instructions from the Deputy Commissioner, Ms. Isha Khosla, that the directions issued at paragraph '15' of the order dated 07.12.2022 will be complied within a period of four (4) weeks from today.

6. It is directed that in case, the order is not complied with, the Deputy Commissioner shall personally remain present in Court on the next date of hearing.

7. List for compliance on 30.05.2023.

MANMEET PRITAM SINGH ARORA, J

APRIL 20, 2023/rhc/asb