

Rohit Kochar Vs. Legally India and others.

17.6.2011

Present : Mr. Amit Soni, for the appellant,  
Mr. Rajat Malhotra, for the respondents.

**Appeal No.7/2011 & MA No.12/2011**

On May, 13, 2011, present appeal was taken up, I have passed the orders directing the Adjudicating Officer, Govt. of Delhi to dispose of the complaint filed by the complainant expeditiously. In the meantime the respondents were restrained from entertaining, accepting, carrying on or publishing any information or material relating to any of the judicial and quasi judicial proceedings concerning the appellant.

Mr. Rajat Malhotra, Advocate has appeared on behalf of the respondent and has emphasized that no application was filed under section 46 of the IT Act and, therefore the present appeal is not maintainable.

On the other hand, Learned counsel for the appellant Sh. Amit Soni has shown the receipt of the speed post by which complaint has been filed before the Adjudicating Officer. However, on 16<sup>th</sup> June, 2011, an application has been filed for withdrawing the appeal.

The grievance of the appellant is that at present the threats of adverse publication as mentioned in the appeal do not appear to subsist anymore and in view of the same, he wants to withdraw the appeal.

The application, therefore, is allowed.

However, in case if the appellant apprehends, the threats, doors are open before the Adjudicating Officer or the Appellate Authority and he is permitted to take the remedies under the IT Act whenever the cause of action arises.

In view of above, the appeal is disposed of.

June 17,2011

(Justice Rajesh Tandon)  
Chairperson