

Court No. - 4

Case :- CONTEMPT APPLICATION (CIVIL) No. - 2482 of 2023

Applicant :- Smt. Sharda Singh

Opposite Party :- Shri Anil Garg, Prin. Secy. Of Irritation And Water Resources Deptt., Lko.

Counsel for Applicant :- Amit Kumar Awasthi, Shubham Shukla

Hon'ble Rajesh Singh Chauhan, J.

1. Heard.

2. This Court has passed the order dated 27.10.2023, which reads as under:-

"1. Heard learned counsel for the petitioner and Sri Amrendra Pratap Singh, learned Addl. C.S.C. for the opposite parties.

2. Learned counsel for the petitioner, Sri Amit Kumar Awasthi has filed reply to the application for deferment filed by the respondent, same is taken on record.

3. In the aforesaid application Sri Awasthi has enclosed Annexure no. 1 which is an order dated 19.9.2023 passed by the Division Bench in Special Appeal Defective No. 704 of 2023 whereby the time has been given to the present petitioner to file objection on the delay condonation application. Sri Awasthi has submitted that till date no interim order has been granted by the appellate court.

4. Be that as it may, this is a trite law that mere pendency of the special appeal may not protect the opposite party / contemnor, if the order of the writ court has not been complied with. In the present case even the delay has not been condoned and no interim order has been granted to the State-appellant.

5. Therefore, list this case on 28.11.2023. On or before 28.11.2023 the concerning authority / contemnor shall file affidavit of compliance making compliance of the order of the writ court in its letter and spirit failing which he shall appear in person on the next date."

3. Sri Vinayak Saxena, learned Standing Counsel has filed affidavit of compliance, today in the Court, the same is taken on record.

4. Sri Saxena, learned Standing Counsel has drawn attention of this Court towards an order dated 08.11.2023 whereby in compliance of order of the Writ Court the amount in question

i.e. Rs.24,57,232/- has been sanctioned subject to final outcome of the pending special appeal.

5. Learned counsel for the petitioner has submitted that however the order has been passed on 08.11.2023, but till date, the amount in question has not been credited in the account of the petitioner.

6. On that, Sri Saxena, learned Standing Counsel has stated that since vide order dated 08.11.2023 the amount in question has been sanctioned, the same shall be credited in the account of the petitioner at the earliest.

7. Be that as it may, since the order has been passed whereby the amount in question has been sanctioned, therefore, I find that there is no purpose to keep this contempt petition pending any longer.

8. Accordingly, the instant contempt petition is ***dismissed***.

9. Notice, if any, stands discharged.

10. However, it is made clear that if the amount in question is not credited in the account of the petitioner at the earliest, to be more precise on or before 16.12.2023 in compliance of order of the Writ Court and in terms of order dated 08.11.2023 (Annexure No.CA-1), the liberty is given to the petitioner to file an appropriate application seeking revival of the present contempt petition and in any case if it is found that the amount in question is not credited in the account of the petitioner, the contempt petition may be revived and any coercive order may be passed against the authority concerned on the next date, therefore, the Competent Authority shall ensure that the amount in question is credited in the account of the petitioner at the earliest.

[Rajesh Singh Chauhan,J.]

Order Date :- 28.11.2023
Suresh/