

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CWP No.11989 of 2014
Date of Decision: - 20.07.2016

Sunil

. . . . Petitioner

Versus

Uttar Haryana Bijli Vitran Nigam Limited and others

. . . . Respondents

CORAM: HON'BLE MR.JUSTICE RAKESH KUMAR JAIN

Present: Mr.Sanjeev Gupta, Advocate,
for the petitioner.

Mr.Kamal, Advocate, for
Mr.P.S. Poonia, Advocate, for the respondents.

RAKESH KUMAR JAIN, J.

Following order was passed by this Court on 12.6.2014:-

The contention of learned counsel for the petitioner is that earlier impugned notice/order of assessment dated September 02, 2013 (Annexure P-3) was challenged by the petitioner through CWP No. 24647 of 2013, which was disposed of by this Court vide order dated November 12, 2013 with the direction to respondent No.2 to look into the matter, consider the grievances of the petitioner, raised vide his representation dated September 20, 2013 (Annexure P-4) and decide the same at an early date by passing an appropriate order in accordance with law within a period of two months from the date of receipt of certified copy thereof. Despite the fact that a period of more than eight months has elapsed, respondent No.2 has failed to comply with the direction and the said representation has not been decided so far. It is further submitted by the learned counsel for the

petitioner that respondent No.2 is bent upon to recover the amount by adopting coercive methods in an illegal manner.

Notice of motion for 09.07.2014.

In the meanwhile, respondents are restrained from adopting any coercive methods to recover the amount of notice (Annexure P-3).

During the course of hearing, learned counsel for the respondents has submitted that this petition is not maintainable as the petitioner would have a remedy under the Contempt of Courts Act, 1971 whereas counsel for the petitioner has submitted that without deciding the representation, the respondents are trying to adopt coercive methods for recovery.

After hearing learned counsel for the parties and taken into consideration the contentions noticed by this Court in its order dated 12.6.2014, the present petition is found to be not maintainable as the remedy lies with the petitioner to invoke the provisions of Sections 10 & 12 of the Contempt of Courts Act, 1971. With these observations, the present petition is hereby dismissed as not maintainable.

20.07.2016

Vivek

**(RAKESH KUMAR JAIN)
JUDGE**