

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

COCP 1253/2016

Date of decision:21.04.2017.

M/s Thermax Limited

.....Petitioner

v.

Mr.NP Sharma,Superintending Engineer and others

.....Respondent

Coram: Hon'ble Mr.Justice Jaswant Singh

Present:- Mr.Manish Jain,Advocate for the petitioner

Ms.Deepali Puri,Advocate for respondents.

Jaswant Singh,J,(Oral).

Petitioner-firm, engaged in running Sewerage Treatment Plant(for short STP), filed FAO 3441/2015 seeking a direction to respondents to take necessary action to remove the sludge/grit from the STP. The said FAO was disposed of vide order dated 19.5.2015 by directing that as an interim arrangement respondent Municipal Corporation,Chandigarh shall remove the sludge/grit and shall maintain accounts of such costs so that it can claim the same from the petitioner firm on succeeding in arbitration proceedings pending between the parties. Similarly, petitioner firm was also directed to purchase the chemical required for STP and maintain accounts thereof for settlement thereof at the appropriate stage. Both sides were further directed to

submit quarterly statement of such accounts before the Arbitrator.

Now instant contempt has been filed alleging disobedience of order dated 19.5.2015 by the respondents.

Upon notice, affidavit of NP Sharma, Chief Engineer, Municipal Corporation, Chandigarh has been filed stating therein that grit/sludge is being continuously removed, however, on certain dates non-availability of tractor/trolleys was unintentional and due to delay in issuance of tender for such disposal. Further an unconditional apology has been tendered for lapse, if any.

After hearing the learned counsel for the parties and perusing the reply filed on behalf of alleged contemnors, in my opinion, directions issued by this Court vide order dated 19.5.2015 are being complied with and the sporadic delays in making available tractor/trolleys for removal of grit/sludge has been sufficiently explained. Accordingly, warranting no further action the instant contempt petition is dismissed as infructuous.

21.04.2017
joshi

(Jaswant Singh)
Judge

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No