

COCP No. 2044 of 2015 (O&M)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

COCP No. 2044 of 2015 (O&M)

DATE OF DECISION:31.01.2017

Dhiraj Chawla

.....Petitioner

Versus

C.R. Rana

.....Respondent

BEFORE:- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present:- Mr. Namit Kumar, Advocate
for the petitioner.

Mr. Padamkant Dwivedi, Advocate
for the respondent.

DAYA CHAUDHARY, J.

As per the stand of the respondent, payment of all the bills has been made to the petitioner. Learned counsel for the petitioner submits that only a sum of ₹46,600/- has been paid as counsel fee, whereas, an amount of ₹1,26,900/- was agreed to be paid in one connected matter by the Department concerned and the same was also approved in the noting annexed as Annexure P-5 with the petition and conveyed to the petitioner vide communication dated 3.1.2014 (Annexure P-6) as well.

Learned counsel for the respondent submits that one more counsel was engaged and out of the said amount of ₹1,26,900/-, payment has also been released to him and the petitioner was paid a sum of ₹ 46,600/-, as per his entitlement.

It is a disputed question of fact as to whether the petitioner is entitled for an amount of ₹1,26,900/- or ₹46,600/- as it is not clarified even in the reply filed in the contempt petition. Simply, it has been denied that the petitioner is not entitled for an amount of ₹1,26,900/, whereas, learned counsel for the petitioner submits that the petitioner is entitled for the amount which has been paid to other counsel.

In view of the above, respondents are directed to pass a speaking order to show as to why the petitioner is not entitled for an amount of ₹1,26,900/- which has been mentioned in the noting Annexure P-5 annexed with the petition and how an amount of ₹46,600/- has been paid to him. In case the petitioner is also having any outstanding amount, which has not been paid to him, he is at liberty to make detailed representation mentioning therein the outstanding amount and other particulars within a period of two weeks from the date of receipt of copy of the order. Thereafter the respondents are directed to pass a speaking order within a period of one month and in case the presence of the petitioner is required, an opportunity of hearing be given to him. In case the petitioner is still aggrieved in any manner he is at liberty to avail the appropriate remedy.

Disposed of accordingly.

January 31, 2017
pooja

(DAYA CHAUDHARY)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
Yes