

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

Date of decision:23.03.2017

Lakhani India Limited

.....Petitioner

v.

Arun Kumar Verma and others

.....Respondents

Coram: Hon'ble Mr.Justice Jaswant Singh

Present:- Mr. Jagjot Singh,Advocate for the petitioner

Mr.Jai Bhagwan,Advocate for respondents.

Jaswant Singh,J,(Oral).

In CWP 11430/2014 filed by the petitioner the point that arose for adjudication was tenability of demand raised by respondent-DHBVN to deposit a sum of Rs.3 crores not credited to respondent Nigam's account drawn through cheques in favour of it. The said writ petition was disposed of by this Court vide order dated 30.1.2015, the operating part of which reads as under:-

“10. Having regard to the fact that the factory was said to be running and restoration of connections had been ordered by this Court, I will allow for a temporary reprieve for the petitioner on the following conditions in the interest of justice:-

S.No.	Description	Amount ₹
1	Net balance of amount payable by the petitioner	₹3,06,29,317/-
2	Amounts paid through Court	₹1,75,00,000/-
3	The balance of admitted liability	₹1,31,29,317

The respondent may add surcharge and penalty for non-

payment of amount within the dates with the liability of ₹3,06,29,317/- arise and the amounts may be calculated and added to the same. Out of the total amount that is so arrived at, the respondent may act on the representation made by the petitioner for disconnection of three connections namely 143,122 and 265 and the respondent shall after disconnecting the three connections in the manner sought by the petitioner, adjust the security amounts respectively standing against the said account and give a fresh calculation to the petitioner within a week after the receipt of copy of the order. The said amount shall be paid in the interest of justice within a period of 12 weeks on demand drafts or banker's cheques drawn in favour of the respondent Corporation. If the amount is not paid, the respondent is at liberty to disconnect the service connection and take action for recovery in the process known to law.”

In the instant contempt it is alleged that despite the order dated 30.1.2015 clearly mentioning the outstanding amount and also directing the respondents to disconnect the connection sought by the petitioner and to adjust a security amount against the total outstanding and to give a fresh calculation within a week from the date of receipt of the order passed by this Court has not been complied with, which is alleged violation/disobedience of the order dated 30.1.2015.

Notice of motion was issued.

In the reply by way of affidavit of Sachin Yadav, Executive Engineer(OP) Division,DHBVN,NIT Faridabad, it is alleged that despite repeated communications in terms of order dated 30.1.2015, the petitioner has failed to respond and thus for non-compliance of the order dated 30.1.2015 on the part of petitioner itself, the present contempt be dismissed and rule be discharged.

At the time of hearing, learned counsel for the parties make a joint statement that the order dated 30.1.2015 stands complied with and as such the instant contempt petition has become infructuous.

Dismissed as having become infructuous.

23.03.2017
joshi

(Jaswant Singh)
Judge

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