

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

COCF No.1556 of 2018

Date of Decision:-13.07.2018

M/s Hardev Singh & Company.

.....Petitioner.

Versus

**Ms. Jaspreet Kaur Talwar, IAS, Principal Secretary to Govt. of Punjab,
Deptt of Water Supply & Sanitation & Ors.**

.....Respondents.

CORAM:- HON'BLE MR. JUSTICE JASWANT SINGH

Present:- Mr. Sumeet Goel, Advocate for the Petitioner.

Mr. Aditya Sharda, Assistant Advocate General, Punjab.

JASWANT SINGH, J.

Petitioner-company has filed the present contempt petition invoking the provisions of Section 10 and 12 of the Contempt of Courts Act for alleged wilful disobedience of order dated 12.10.2017 (P-1) passed by this Court in CWP No.23413 of 2017 as well as order dated 20.12.2017 (P-4) passed by this Court in COCF No.3817 of 2017.

Learned Counsel for the petitioner has argued that the petitioner had invoked the original writ jurisdiction of this Court with a prayer that the petitioner-company was allotted the work of providing water supply in village Tamkot in District Sri Mukatsar Sahib. However, despite completion of the said work, its dues were not being paid. Consequently, the petitioner filed writ petition bearing CWP No.23413 of 2017, which was

representation of petitioner be decided expeditiously and in any case not later than 06 months. It was further stated that in case any amount is found due, same be released to petitioner. It is averred by the petitioner that since no steps were taken by the respondents, petitioner filed a contempt petition bearing COCP No.3817 of 2017, which was disposed of vide order dated 20.12.2017 (P-4), with a direction to the concerned authority to take steps in order to purge the contempt at the earliest and in any case not later than 06 weeks. It is submitted by counsel for the petitioner that even thereafter the respondents have failed to take any steps and have taken the order lightly. Thus prayer has been made for initiating action against the respondents, by invoking the provisions of Section 12 of the Contempt of Courts Act.

While issuing notice of motion vide order dated 17.05.2018, the respondent no.1 was directed to be present in Court personally. In compliance of the said order dated 17.05.2018, respondent no.1 is present in Court today and has also filed short reply dated 12.7.2018 in the shape of affidavit whereby it has been stated that vide speaking order dated 26.06.2018 (Annexure R-1), the representation of the petitioner was considered and claim of Rs.28,34,407/- has been released vide bill no.147 dated 06.07.2018, in pursuance of which the District Treasury Officer has already transferred the said amount to the HDFC Bank account of petitioner bearing no.22538640000013. It is however, stated that the remaining claims of the petitioner regarding payment of interest or other costs was rejected vide the said order dated 26.6.2018. Thus, it has been stated that the order dated 12.10.2017 and 20.12.2017 stands complied with. It has further been stated that the delay in dealing with the representation of the petitioner and release of the amount was procedural and not intentional or

deliberate. Further an unconditional apology has been tendered by the respondent no.1 in the Court today as well.

In view of the stand taken by the respondents and especially in view of the fact that order dated 12.10.2017 as well as order dated 20.12.2017⁶ passed by this Court have been complied with and further no wilful disobedience is found in the delay caused by the respondents, no useful purpose would be served in continuance of the present contempt petition. Accordingly, rules stands discharged.

However, at this stage, the Counsel for the petitioner has sought liberty to challenge the aforesaid order dated 26.06.2018 (R-1) in case any cause of action survives for approaching the Court.

In view of the submission made by the learned Counsel for the petitioner, this petition is disposed of with a liberty to the petitioner-company to challenge the order dated 26.06.2018 (R-1), in accordance with law, in case any cause of action still survives.

Disposed of in the above terms.

(JASWANT SINGH)
JUDGE

July 13, 2018
Vinay

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>