

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

127

COCP No.2281 of 2018

Date of Decision: August 1st, 2018

M/s Goyal Food Stuff Industries

...Petitioner

Versus

Rana Ashutosh Kumar Singh and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Sahil Khunger, Advocate
for the petitioner.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Petitioner has approached this Court alleging violation of the order dated 24.04.2018 passed by the Division Bench of this Court in CWP No.25196 of 2017, which was preferred by the petitioner-firm, wherein the operative part of the order reads as follows:-

“[3] There is, thus, no legal impediment, if the Bank wants to consider the claim of the petitioner for 'One Time Settlement' in terms of the Policy, if any, in operation. We do not express any views in this regard and dispose of the instant writ petition with a direction that let the application moved by the petitioner for 'One Time Settlement' may be decided by the Bank by way of a reasoned order within a period of two months. The sale of the stock would be subject to the decision to be taken by the Bank on the petitioner's 'One Time Settlement' offer.”

2. It is the contention of learned counsel for the petitioner that an auction notice has been issued on 01.05.2018, whereas the decision on the OTS application submitted by the petitioner was conveyed to the petitioner on 02.05.2018 and that too through an email, whereas it should have been conveyed through a registered post. He contends that since the process was initiated for the sale of the stock even prior to a decision having been taken by the bank on the application/One Time Settlement offer, it would amount

to contempt of the order of this Court dated 24.04.2018.

3. This contention of learned counsel for the petitioner cannot be accepted as the order of the Court dated 24.04.2018, as reproduced above, clearly states that 'the sale of the stock would be subject to the decision to be taken by the Bank on the petitioner's One Time Settlement offer'. It is not disputed by learned counsel for the petitioner that only auction notice was issued on 01.05.2018, whereas the confirmation and the actual auction was carried on 16.05.2018. This would not amount to contempt of Court as prior to the sale of the stock, the petitioner has been conveyed the order/decision on the proposal of the petitioner for One Time Settlement i.e. on 02.05.2018, may be not through a registered post.

4. Finding no merit in the present contempt petition, the same, therefore, stands dismissed.

August 1st, 2018
Puneet

(AUGUSTINE GEORGE MASHI)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No