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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

COCP-2665-2012 (O&M)
Date of decision: 21.11.2019

M/S A.D. GLOBAL

.. PETITIONER

VERSUS

SH. DPS KHARBANDA MANAGING DIRECTOR AND OTHERS

.. RESPONDENTS

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: None for the petitioner.

Mr. Anupam Singla, Advocate
for the respondents.

AVNEESH JHINGAN, J. (Oral)

Petition under Sections 10 and 12 of the Contempt of Courts Act, 1971 is filed pleading violation of interim order dated 13.06.2012 passed in FAO No. 3560 of 2011.

The facts in brief are that on 05.11.2009, an agreement was entered into between the petitioner and respondent-PEPSU Road Transport Corporation for displaying the advertisement on buses. The agreement was for three years. There was dispute between the parties and as per the terms of the agreement, the arbitration clause was invoked on 16.01.2012. The application for interim protection was filed before the Arbitrator, as well as before the District Judge for restraining the respondent-Corporation from terminating the agreement. A statement was made by the Corporation that no coercive steps would be taken during the pendency of the arbitration. The application was disposed of on 10.05.2012. The claim of the petitioner was rejected by the Arbitrator. On

18.05.2012, the contract was terminated, thereafter it was decided that Bank

guarantee given as a security be encashed. On 23.05.2012, the bank guarantee of ₹ 60,02,100/- was encashed. On 30.05.2012, an application was filed under Section 9 of the Arbitration and Conciliation Act, 1996 for restraining the respondent-Corporation to implement order dated 18.05.2012. The application was dismissed on 07.06.2012. The petitioner filed FAO No. 3560 of 2012 against order of dismissal. While issuing notice of motion, on 13.06.2012, operation of order dated 18.05.2012 passed by the respondent-Corporation was stayed till the next date of hearing. In the meantime, the present contempt petition filed pleading violation of interim protection.

There is no representation on behalf of the petitioner. Even today, none has put in appearance on behalf of the petitioner.

This Court while admitting the petition had taken note that the case was being adjourned time and again on the request of learned counsel for the petitioner and it could not be kept pending at the motion hearing.

Learned counsel for the respondent has produced order dated 10.05.2013 whereby FAO No. 3560 of 2012 was withdrawn by the petitioner with liberty to raise claim for damages.

As the main case has been withdrawn, no interference is called for in contempt petition filed for violation of the interim order. The contempt petition is dismissed with liberty to the petitioner to revive the contempt petition, if cause of action still survives.

21st November, 2019
shabha

(AVNEESH JHINGAN)
JUDGE

Whether speaking/reasoned : *Yes/No*
Whether reportable : *Yes/No*