

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

COCN No. 3704 of 2018

Date of Decision: 08.07.2019

The Hemkund Cooperative Labour and Construction Society Ltd.
.....Petitioner

Versus

Sh. Sarvjit Singh and others
.....Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Munish Bansal and Mr. Prince Goyal, Advocates
for the petitioner.

Mr. Aditya Sharda, AAG Punjab.

Mr. S.S. Bedi, Advocate and
Mr. Aman Sharma, Advocate
for respondents No. 3 to 5.

AVNEESH JHINGAN, J.(oral)

This contempt petition has been filed pleading wilful
disobeyance of order dated 23.4.2018 passed in CWP No. 5573 of 2018.

The operational part of the order is reproduced below:

"Since, the petitioner(s) have prayed for a writ in the nature of mandamus which can be issued by this Court only if there is a right vested with the petitioner(s) and there is a corresponding duty on the part of the respondent-Corporation and in the present case, neither the rights of the petitioner have been denied nor the respondent-Corporation has denied their its liability, therefore, keeping in view the aforesaid facts and circumstances, present bunch of writ petitions are hereby disposed with a direction to the respondent-Corporation to release the payment to the petitioners, in which there is no dispute, within four months from the date of receipt of certified copy of this order. In case, where there is some dispute raised by them then the respondent-Corporation would associate the petitioner(s) for the purpose of sorting out the said dispute and shall make the payment accordingly."

On notice, respondents have filed reply stating that there was an outstanding amount of ₹11,41,708/-out of which ₹9,34,317/- has already been paid.

With regard to remaining amount, it is stated that the respondents are not having funds of their own and have applied for funds with the State Government, as and when the same are received the remaining amount would be released within a fortnight thereafter.

In view of the statement made above, no interference is called for in the contempt proceedings.

The Rule issued against the respondents is hereby discharged.

Disposed of.

However, it is clarified that in case the petitioner is aggrieved of order passed by the respondent, he would be at liberty to avail remedy as available in accordance with law if any.

08.07.2019

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(AVNEESH JHINGAN)
JUDGE

Whether speaking/reasoned	Yes
Whether Reportable:	No