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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

COC-1863-2019

Date of decision: 21.08.2019

Pritpal Singh

.. Petitioner

Versus

Sarvjit Singh

.. Respondent

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Ms. Aashna Gill, Advocate
for the petitioner.

Mr. Kanisth Ganeriwala, AAG, Punjab.

AVNEESH JHINGAN, J. (Oral)

The present contempt petition has been filed pleading wilful disobedience of the order dated 18.01.2019 passed by this Court in CWP No. 27711 of 2018. The operational part of the order is quoted below:

“After hearing the learned counsel for the petitioner and noticing that there has been a complete default by the respondents in responding to the petition and also noticing that the respondents themselves have expressed their inability to demarcate the area intended for mining which has prevented the petitioner from carrying out any activity despite the fact that he has made a successful bid in open auction, there would be no justification with the respondents to offer a mine which is incapable of being operational. The State cannot abdicate its responsibility in identifying proper area to offer it to the prospective bidders for mining purposes, there would be no moral authority with the State to retain the amount deposited by a person in the hope of successfully executing the contract which continues to be hindered on account of default of the State agencies who have failed to identify the area and its availability to the bidder. Consequently, we dispose of the

petition with a direction to the respondents to refund the amount of the petitioner preferably within a period of three months from the date of receipt of certified copy of the order.”

Learned State counsel, on instructions from Mr. Harjinder Singh, Mining Officer, SBS Nagar, submits that the partial payment has been released and further submits that the balance would be paid within six weeks from today.

Learned counsel for the petitioner is not able to contradict the statement made by learned State counsel.

In view of the statement made in Court today, the contempt petition is disposed of, however, in case the balance is not paid within six weeks, the petitioner shall be at liberty to revive the contempt petition. In case, the petitioner is forced to revive the contempt petition, costs may be imposed from the defaulting official.

Learned counsel for the petitioner further states that certificate with regard to the Tax Collection At Source has not been issued.

The said issue does not arise from order dated 18.01.2019, however, there is no doubt that in case, the petitioner approaches the respondent for issuance of the said certificate, the same shall be issued expeditiously.

Rule issued against the respondent stands discharged.

21st August, 2019
shabha

(AVNEESH JHINGAN)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No