

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

COCP No. 3448 of 2019
Date of decision: 4.10.2019

Gurvinder Singh

.. Petitioner

v.

Sh. C. Sibani

.. Respondent

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. C. L. Sharma, Advocate for the petitioner.

...

AVNEESH JHINGAN, J. (Oral)

The petitioner filed a writ petition challenging charging of the revised rates for allotment of an industrial plot.

During the pendency of the writ petition, the petitioner was directed to deposit cost of the plot @ ₹150/- per square yard and thereafter respondent was to hand over the possession thereof.

The writ petition was disposed of on 7.12.2009 as the petitioner was willing to deposit the enhanced rate @ ₹ 250/- per square yard on the condition that no penal interest is charged. In the writ petition, learned counsel for the Punjab Small Industries & Export Corporation stated that 50% rebate will be given in the levy of penal interest. It was directed that on receipt of the calculation, the petitioner shall deposit the amount within

one year in three instalments.

Aggrieved of the order of the learned Single Judge, Letters Patent Appeal was preferred by the petitioner challenging 50% penal interest to be charged. The said appeal was admitted on 13.10.2010, it was ordered that in the meanwhile, recovery of penal interest is stayed.

The present contempt petition has been filed being aggrieved of a public notice. In the public notice, it is stated that the allottee was informed vide letter dated 15.11.2012 to pay the cost of plot No. C-117 @ 250/- per square yard with simple interest compounded half yearly. The amount as per the notice dated 15.11.2012 was ₹ 94,60,151/-, as the petitioner failed to deposit the amount as per terms and conditions, the due amount became ₹3,23,67,942/-.

Learned counsel for the petitioner argues that the public notice is illegal. There is no amount due against the petitioner, yet in the notice the amount due shown is ₹3,23,67,942/-.

The contention raised by learned counsel for the petitioner does not fall within the ambit of the present contempt petition. The law is well-settled that onus to be discharged in the contempt proceedings is on the person who alleges violation. Learned counsel for the petitioner is not in a position to point out from the public notice that any penal interest is being charged. Rather it is repeatedly being mentioned in the public notice that simple interest is charged from the petitioner.

There is no dispute raised on the fact that the only issue raised in the intra-court appeal is with regard to penal interest i.e. 50% penal interest to be charged. In the garb of stay of penal interest, the petitioner cannot be permitted not to pay the public money with regard to cost of the

plot.

No case is made out for wilful disobedience of the directions of this Court.

The contempt petition is dismissed.

(AVNEESH JHINGAN)
JUDGE

4.10.2019
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No