

COCN No.2201 of 2020

Date of Decision : 16.10.2020

Makhan Lal Aggarwal

...Petitioner

Versus

Amit Kumar Agarwal and another

....Respondents

Coram : Hon'ble Mr. Justice B.S. Walia

Present : Ms. Shaveta Sanghi, Advocate for the petitioner.

B.S. Walia, J. (VC)

1. Case is being taken up for hearing through Video Conferencing due to the outbreak of Covid-19 pandemic.
2. Prayer in the petition under Sections 10 & 12 of the Contempt of Courts Act, 1971, is for initiating action against the respondents for willfully, intentionally and deliberately disobeying Order (Annexure P-1) dated 05.02.2020, passed in CWP No.36816 of 2019, in case titled as 'Makhan Lal Aggarwal versus State of Haryana and others'.
3. Learned counsel contends that vide order (Annexure P-1) dated 05.02.2020, CWP No.36816 of 2019, was disposed of by directing the Director, Urban Local Bodies, Haryana, to consider and decide in accordance with law the prayer of the petitioner for release of General Provident Fund Accumulations within a period of 03 months from the date of the order and in case, the petitioner was found entitled to release of General Provident Fund

Accumulations, the amount as per entitlement be released to the petitioner within a period of 04 weeks, failing which the same would carry interest @ 7.5% per annum with effect from the date of entitlement till date of payment but that despite lapse of stipulated period of time, needful has not been done.

4. Notice to the respondents to show cause as to why proceedings under the Contempt of Courts Act, 1971 be not initiated against them for non-compliance with Order (Annexure P-1) dated 05.02.2020, passed in CWP No.36816 of 2019, in case titled as 'Makhan Lal Aggarwal versus State of Haryana and others'.

5. Ms. Kirti Singh, DAG, Haryana, accepts notice on behalf of the respondents and on instructions from the Director, Urban Local Bodies, Haryana, states that needful could not be done due to circumstances prevailing on account of Covid-19 but in case more time is granted, needful would be done, decision taken on the claim and if the petitioner was found entitled to the benefits claimed, the same would be released to him as per his entitlement thereafter.

6. The same satisfies learned counsel for the petitioner who states that in view of the assurance to do the needful in a time bound manner he does not press the contempt petition at this stage.

7. Accordingly, in view of the statement of learned counsel for the parties, the Contempt Petition is **disposed of** as not calling for any orders, except for directing respondent No.2 to consider and decide in accordance with law the prayer of the petitioner for release of General Provident Fund Accumulations within a period of 04 weeks from today and in case, petitioner

same be released to him within a period of 03 weeks thereafter. However, it is made clear that in case the needful is not done within the stipulated period of time, the petitioner would be at liberty to move an application for revival of the Contempt Petition.

(B.S. Walia)
Judge

October 16, 2020
'Rajneesh-Amit'

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