

COCp-2633-2020

Date of Decision: 27.11.2020

M/s Sohan Lal Ramesh Kumar

...Petitioner

vs.

Ms. Jaspreet Kaur Talwar and others

...Respondents

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

Present: Mr. R.K. Girdhar, 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 pandemic Covid-19.
2. Prayer in the petition under Sections 10 and 12 of the Contempt of Courts Act, 1971, is for punishing the respondents for willful disobedience of order dated 27.08.2020, in CWP-12869-2020.
3. Learned counsel contends that vide order Annexure P/1 dated 27.08.2020, CWP-12869-2020 was disposed of by directing the Executive Engineer, Water Supply and Sanitation Division, Fazilka to decide the claim made in legal notice dated 12.06.2020, within six weeks from the date of receipt of certified copy of the order and in case the same was found to be justified, then the amount mentioned in the prayer be refunded to the petitioner along with interest @ 6% per annum, with effect from the due date, within the time specified i.e. six weeks, but despite expiry of the aforementioned period of time, needful has not been done till date, therefore, the respondents are liable to be proceeded against under the

CWP-12869-2020.

3. Issue notice to respondent No.4 to show cause as to why proceedings under the Contempt of Courts Act, 1971 be not initiated against him for non-compliance with order dated 27.08.2020, in CWP-12869-2020.

4. Mr. Aditya Sharda, AAG, Punjab, accepts notice on behalf of respondent No.4 and on instructions from respondent No.4 states that needful could not be done due to circumstances prevailing on account of Corona Virus Pandemic but in case three weeks more time is granted, decision would be taken on the claim made in legal notice dated 12.06.2020 and in case the petitioner is found entitled to the payment as claimed, the same would be released to him within a period of three weeks thereafter.

5. The same satisfies learned counsel for the petitioner, who states that in the circumstances, he does not press the Contempt Petition and the same may be disposed of as such at this stage while granting liberty to the petitioner to move an application for revival of the Contempt Petition, if the circumstances of the case so warrant.

6. Accordingly, in the light of statement of learned counsel for the parties, the Contempt Petition is disposed of as not pressed at this stage while directing respondent No.4 to consider and decide the claim made in the legal notice dated 12.06.2020, within three weeks from today and in case it is found that the petitioner is entitled to the payment claimed, the same be released to him within three weeks thereafter in terms of orders in CWP-12869-2020. Needless to mention, in case the needful is not done within the stipulated

revival of the Contempt Petition.

27.11.2020
'Rajesh-PS'

(B.S. Walia)
Judge

Whether speaking/reasoned

: Yes/No

Whether reportable

: Yes/No