

COCp-2640-2020

Date of Decision: 27.11.2020

M/s Maxop Engineering Company Pvt. Ltd. ...Petitioner

vs.

Shekhar Vidyarthi and others ...Respondents

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

Present: Mr. Rishab Singla, 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 11 and 12 of the Contempt of Courts Act, 1971, is for initiating proceedings against the respondents for willful disobedience of order Annexure P/9 dated 27.08.2020, in CWP-12874-2020.

3. Learned counsel contends that vide order Annexure P/9 dated 27.08.2020, CWP-12874-2020 was disposed of by directing the competent authority to decide representation dated 17.02.2020 with regard to claim for refund for the assessment year 2015-2016 and 2016-2017, within four weeks, in accordance with law, but despite the lapse of the aforementioned period of time, claim for refund for the assessment year 2015-2016, has not been decided till date, therefore, the respondents are liable to be proceeded against under the Contempt of Courts Act, 1971, for violation of order Annexure P/9 dated 27.08.2020, in CWP-12874-2020.

3. Issue notice to respondent No.3 to show cause as to why proceedings under the Contempt of Courts Act, 1971 be not initiated against her for non-compliance with order Annexure P/9 dated 27.08.2020,

4. Mr. Vivek Chauhan, Addl. AG, Haryana, accepts notice on behalf of respondent No.3 and on instructions from respondent No.3 states that needful could not be done due to circumstances prevailing on account of Corona Virus Pandemic but in case four weeks time is granted, needful would be done and decision with regard to claim for refund for the assessment year 2015-2016 would be taken, in accordance with law and in case the petitioner is found entitled to any payment as claimed, then the same would also be released to him within two 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 the statement of learned counsel for the parties, the Contempt Petition is disposed of as not pressed at this stage while directing respondent No.3 to consider and decide the claim with regard to refund for the assessment year 2015-2016, in accordance with law within four weeks from today and in case the petitioner is found entitled to refund, the same be released to him within two weeks thereafter. Needless to mention, 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

27.11.2020

'Rajesh-PS'

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