

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

COCN No.2728-2020

Date of Decision : 11.12.2020

Ashok Kumar

...Petitioner

Versus

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 Covid-19 pandemic.

2. Prayer in the petition under Sections 10 and 12 of the Contempt of Courts Act, 1971, is for initiating action against the respondents for intentional and willful disobedience of order dated 30.09.2020, in CWP-1832-2020.

3. Learned counsel contends that vide order dated 30.09.2020, CWP-1832-2020, was disposed of by directing the executive Engineer, Water Supply and Sanitation, Division Malout, District Sri Muktsar Sahib, to consider the claim of the petitioner as per representation dated 11.11.2019, take appropriate action in respect thereto and to make payment qua the amount determined as payable within eight weeks from the date of receipt of certified copy of the order and in case of delay in payment, then to pay the same along with interest @ 6.5% per annum with effect from the date the outstanding amount fell due, till the date of actual payment.

the respondents are liable to be proceeded against under the Contempt of Courts Act, 1971, for violation of order dated 30.09.2020, in CWP-1832-2020.

4. 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 of orders dated 30.09.2020, in CWP-1832-2020.

5. Ms. Sunint Kaur, AAG, Punjab, accepts notice on behalf of the respondent and has furnished copy of order dated 09.12.2020, holding the petitioner entitled to payment of Rs.1,79,12,922/- qua all his claims, out of which, Rs.58,64,289/- has been paid. Learned State counsel on instructions from respondent No.4 states that the balance amount of Rs.1,20,48,633/- would be paid to the petitioner in terms of order dated 30.09.2020, in CWP-1832-2020, within four weeks from today.

6. The same satisfies learned counsel for the petitioner, who states that in view of the assurance held out by respondent No.4 through learned AAG, Punjab, he does not press the Contempt Petition and the same may be disposed of as such at this stage while directing respondent No.4 to adhere to the assurance and release payment of the outstanding amount in terms of order dated 30.09.2020, in CWP-1832-2020 as also by granting liberty to the petitioner to challenge order dated 09.12.2020, to the extent it denies the claim of the petitioner for a sum of Rs.3,46,841/-.

7. 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 release the balance amount of

Rs.1,20,48,633/- in terms of order dated 30.09.2020, in CWP-1832-2020, within four weeks from today. Liberty is granted to the petitioner to challenge order dated 09.12.2020 by way of appropriate proceedings in accordance with law to the extent order dated 09.12.2020 rejects claim for sum of Rs.3,46,841/-. However, it is made clear that in case the needful is not done by the respondent 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

11.12.2020
'Rajesh-PS'

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