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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(1) COCP-37-2020
Date of Decision : 06.10.2021

The Jamalpur Co-Op L/C Society Ltd. ...Petitioner

Versus

Hussan Lal and othersRespondents

(2) COCP-64-2020
Date of Decision : 06.10.2021

Rajesh Sharma Contractor ...Petitioner

Versus

Hussan Lal and othersRespondents

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

Present : Mr. Arvind Thakur, Advocate for the petitioner.

Mr. Aditya Sharda, Asstt. A.G., Punjab.

B.S. Walia, J. (Oral)

1. This order shall decide COCP-37-2020 and COCP-64-2020, as identical point is in issue in both the contempt petitions.

3. Learned counsel contends that CWP-22618-2019 and CWP-22761-20219, were disposed of vide orders dated 26.08.2019 and 27.08.2019 respectively, by directing respondent No.3 to consider the claim of the petitioner against backdrop of legal notice and to take a decision thereon expeditiously and in any case within three months from the date of receipt of certified copy of the order, and the instant petitions were filed on account of failure of respondent No.3 to do the needful

within the stipulated period of time, but now respondent No.3 has released payment to the petitioner as claimed vide legal notices referred to in respective orders of the writ Court, though the claim for interest has not been decided. Learned counsel contends that there is a delay of more than four years in making payment of the amount due to the petitioner as per entitlement, therefore, the petitioner is entitled to interest on the said payment and despite claim having been made in the legal notice, no decision has been taken on the same, therefore, in the circumstances, the petitioner is not interested in pursuing the contempt petitions and the same may be disposed of as such but by granting liberty to the petitioner to take out appropriate proceedings in accordance with law, qua the claim for interest on account of delay in release of payment.

4. Learned State counsel states that decision could not be taken and payment released earlier due to financial stringency as also on account of circumstances prevailing due to the coronavirus pandemic, but since, now the payment as per entitlement has been released to each of the petitioners, the petitions be disposed of as not calling for any action against respondent No. 3 under the Contempt of Courts Act, 1971.

5. I have considered the submissions of learned counsel. Admittedly, decision was not taken in terms of the order of the writ court dated 26.08.2019 and 27.08.2019, leading to the filing of the instant petitions but now payment as per entitlement has been released to the petitioner in each of the cases. However, interest has not been paid on the delayed payment despite claim in the legal notice.

matter as well as statement of learned counsel for the parties, besides circumstances projected by learned AAG, no action under the Contempt of Courts Act, 1971 is called for against respondent No. 3. However, while disposing of the contempt petitions, liberty is granted to the petitioner in each of the petitions to take out appropriate proceedings in accordance with law, qua claim for interest in respect of payment made belatedly.

8. Rule discharged.

06.10.2021

rajesh-ps

Whether speaking/ reasoned

Whether reportable

:

:

Yes/No

Yes/No

(B.S. Walia)

Judge