

COCp-278-2021

Date of Decision : 23.02.2021

M/s SVA Constructions

...Petitioner

Versus

Vikas Pratap, IAS and Ors.

...Respondent

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

Present : Mr. Chirag Girdhar, Advocate for the petitioner.

B.S. Walia, J. (VC)

1. Case is being taken up for hearing through Video Conferencing due to Covid-19 pandemic.
2. Learned counsel contends that despite order dated 19.11.2020 in CWP No.19613 of 2020 directing the Executive Engineer, Construction Division, Building and Roads Branch, Gidderbaha, District Sri Muktsar Sahib to decide the claim of the petitioner as made in legal notice dated 16.10.2020 by passing a speaking order in accordance with law within two months from the date of receipt of certified copy of the order and in case of finding the petitioner entitled to the payment as claimed, to release the same to the petitioner along with interest @ 6.5% per annum from the date it fell due till its realization, payment as per entitlement has not been released to the petitioner despite lapse of the stipulated period of time, therefore, the respondents are liable to be proceeded against under the Contempt of Courts Act, 1971 for intentional and willful defiance of order

3. Issue notice to the respondents to show cause as to why proceedings under the Contempt of Courts Act, 1971 be not initiated against them for intentional and willful defiance of order of this Court as referred to above.

4. Mr. Aditya Sharda, AAG, Punjab, accepts notice on behalf of the respondents and on instructions from respondent No.5 states that the respondents have sought sanction of funds to make payment to the petitioner and in case eight weeks time is granted, payment as per entitlement in terms of speaking order dated 15.01.2021, passed pursuant to order dated 19.11.2020 in CWP No.19613 of 2020, would be released to the petitioner.

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 directing the respondents to adhere to the assurance held out by respondent No.5 through the learned State counsel and to release the payment as per entitlement of the petitioner in terms of speaking order dated 15.01.2021 passed pursuant to order dated 19.11.2020 in CWP No.19613 of 2020 in a time bound manner 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 view of the position as noted above as well as statement of learned counsel for the parties, the Contempt Petition is disposed of as not pressed at this stage while directing the respondents to adhere to the assurance held out by respondent No.5 through the learned

State counsel and to release the payment to the petitioner as per entitlement in terms of speaking order dated 15.01.2021 passed by the respondents pursuant to order dated 19.11.2020 in CWP No.19613 of 2020, within eight weeks from today.

7. Needless to mention, in case the needful is not done and payment as per assurance within the stipulated period of time and an application for revival of the Contempt Petition is moved, serious view would be taken in the matter.

(B.S. Walia)
Judge

February 23, 2021

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