

COCp-279-2021

Date of Decision : 23.02.2021

Kulara Kalan Co.op Labour and Construction Society Ltd.

...Petitioner

Versus

Vikas Partap, IAS and Ors.

...Respondent

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

Present : Mr. RK 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 vide order dated 14.10.2020, CWP No.17026 of 2020 was disposed of by granting liberty to the petitioner to serve a legal notice on the respondents and in case of receipt of notice, the Executive Engineer, Construction Division, PWD (B&R) Branch, Patiala was directed to decide the same in accordance with law within one month from the date of receipt of certified copy of the order and in case of finding the claim of the petitioner worthy of acceptance, to release payment to the petitioner within four weeks from the date of decision taken by the Competent Authority but despite lapse of the stipulated period of time, no decision has been taken on the legal notice, therefore the respondents are liable to be proceeded against under the Contempt of Courts Act, 1971 for intentional and willful defiance of order

dated 14.10.202 in CWP No.17026 of 2020.

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 necessary instructions have been issued by respondent No.5 to the Treasury Officer to release payment to the petitioner as claimed by him in the legal notice and that needful would be done in case four weeks more time is granted.

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 claimed by the petitioner within a stipulated period of time 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 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 claimed by him within four weeks from today.

7. Needless to mention, in case the needful is not done 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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