

COCP No.372 of 2021

Date of Decision : 12.02 2021

Bhupinder Singh

...Petitioner

Versus

Ajoy Kumar Sinha and others

....Respondents

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

Present : Mr. Gagneshwar Walia, 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 13.10.2020 in CWP No.16854 of 2020 directing the respondents to decide the legal notice dated 02.07.2020 within two months from the date of receipt of certified copy of the order, needful has not been done, till date although certified copy of order was supplied and the stipulated period of time has also expired, therefore, the respondent is liable to be proceeded against under the Contempt of Courts Act, 1971 for intentional and willful defiance of order dated 13.10.2020 in CWP No.16854 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 dated 13.10.2020 in CWP No.16854 of 2020.

4. Ms. Deepali Puri, learned Addl.A.G., Punjab, accepts notice on behalf of respondent Nos.2 and 3 and on instructions from respondent

Nos.2 and 3 states that needful could not be done on account of circumstances prevailing due to corona virus pandemic but in case four weeks time is granted, needful would be done and decision taken on the legal notice dated 02.07.2020 would also be conveyed to the petitioner after giving opportunity of personal hearing to the petitioner by the Competent Authority before deciding the claim raised in the legal notice.

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 given by respondent Nos.2 and 3 through learned State counsel and to decide the claim made in the legal notice dated 02.07.2020 within four weeks after giving opportunity of hearing to the petitioner 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 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 given by respondent Nos.2 and 3 through learned State counsel and to decide the claim made in the legal notice dated 02.07.2020 within four weeks from today after giving an opportunity of hearing by the competent Authority to the petitioner. It is further directed that decision taken on the claim made in the legal notice be conveyed to the petitioner within one week

thereafter.

7. 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

February 12, 2021
'ps'