

COCp-488-2021

Date of Decision : 24.02.2021

M/s Gupta Builders

...Petitioner

Versus

Vikas Partap IAS and others

....Respondents

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

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

B.S. Walia, J. (Oral)

1. Learned counsel contends that although decision has been taken on the claim of the petitioner in terms of order dated 07.10.2020, in CWP-16352-2020, but the financial benefits admissible have not been released to the petitioner as per entitlement determined by none else than the respondents themselves, therefore, the respondents are liable to be proceeded against under the Contempt of Courts Act, 1971 for intentional and willful defiance of order dated 07.10.2020, in CWP-16352-2020, wherein it had been directed that if there is no dispute qua the outstanding payment, then the same be released to the petitioner within ten weeks from the date of receipt of certified copy of the order.

2. 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 orders dated

3. Mr. Aditya Sharda, AAG, Punjab, accepts notice on behalf of the respondents and on instructions from respondent No.5 states that payment as per decision dated 16.11.2020, passed in compliance of order dated 07.10.2020, in CWP-16352-2020, would be made to the petitioner within two weeks from today.

4. 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 with direction to the respondents to adhere to the assurance held out by respondent No.5 through AAG, Punjab, and to release the payment to the petitioner in terms of order dated 16.11.2020, passed pursuant to order of this Court dated 07.10.2020, in CWP-16352-2020 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.

5. 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 learned AAG, Punjab and to release the payment to the petitioner as per entitlement as determined vide order dated 16.11.2020, passed in compliance with the order of this Court dated 07.10.2020, in CWP-16352-2020, within two weeks from today. Liberty is also granted to the petitioner to move an application for revival of the Contempt Petition, if the circumstances of the case so warrant. However, it is made clear that in case an application for revival of the Contempt Petition is moved on

account of non-release of the payment as per assurance held out, serious view in the matter would be taken.

(B.S. Walia)
Judge

24.02.2021
'Rajesh'

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