

COC-498-2021

Date of Decision:25.02.2021

Mohan Lal

...Petitioner

Versus

Arun Gupta

...Respondent

CORAM: HON'BLE MR. JUSTICE B. S. WALIA

Present : Mr. Raman Chawla, 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 31.10.2019, in CWP-13846-2019, directing the respondent to consider and decide the claim of the petitioner as made in demand notice dated 26.11.2018, in accordance with law by keeping in view the decision of Hon'ble the Supreme Court in **C. Jacob vs. Director of Geology and Min. Industries Est. and another 2008 (10) SCC 115**, within three months from the date of receipt of certified copy of the order, needful has not been done till date, despite supply of certified copy of order and lapse of more than one year, therefore, the respondent is liable to be proceeded against under the Contempt of Courts Act, 1971 for intentional and willful defiance of order dated 31.10.2019, in CWP-13846-2019.

3. Issue notice to the respondent to show cause as to why proceedings under the Contempt of Courts Act, 1971 be not initiated

against him for intentional and willful defiance of orders dated

31.10.2019, in CWP-13846-2019.

4. Mr. Vivek Chauhan, Addl. AG, Haryana, accepts notice on behalf of the respondent and on instructions from the respondent states that needful could not be done due to administrative exigencies as well as situation prevailing on account of Corona Virus pandemic but in case three weeks time is granted, needful would be done and decision taken on the demand notice dated 26.11.2018, would be communicated to the petitioner within one week thereafter.

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 respondent to decide the claim as made in demand notice dated 26.11.2018, within three weeks from today while granting liberty to the petitioner to move an application for revival of the contempt petition, if circumstances of the case so warrant.

6. Accordingly, in the light 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 respondent to adhere to the assurance held out by him through the learned State counsel and to decide the claim made in demand notice dated 26.11.2018 within three weeks from today and to furnish a copy of the decision taken thereon to the petitioner within one week thereafter. Liberty is also granted to the petitioner to move an application for revival of the Contempt Petition, if needful is not done within the stipulated period of time. However, it is made clear that in the eventuality of an application for revival of the Contempt

Petition being filed, a serious view of the matter would be taken.

February 25, 2021

‘rajesh’

(B.S. WALIA)

JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No