

COCN-1041-2021

Date of Decision : 21.05.2021

HARYANA STRUCTURAL ENGINEERING COMPANY THROUGH ITS  
PARTNER HARBINDER JIT SINGH DHILLON

...Petitioner

Versus

A K SINGH PRINCIPAL SECRETARY AND ORS

....Respondent

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

Present : Mr. Samar Pratap Singh Ahluwalia, Advocate for the petitioner.

Mr. Pawan Kumar Longia, DAG, Haryana.

**B.S. Walia, J. (VC)**

1. Case is being taken up for hearing through Video Conferencing due to Covid-19 pandemic.
2. Prayer in the petition under Section 12 of the Contempt of Courts Act, 1971, is for initiating proceedings against the respondents for intentionally and willfully disobeying order dated 05.10.2018 passed by the learned Additional District Judge, Panchkula.
3. Notice has not been issued in the matter. However, on 03.05.2021, the following order was passed.

“Case is being taken up for hearing through Video Conferencing due to Covid-19 pandemic.

Learned Counsel contends that despite no appeal having been filed against the decision of the learned Additional District and Sessions Judge, Panchkula, dated 05.10.2018, compensation has not been paid to the petitioner in intentional and willful defiance of orders dated 05.10.2018 despite other land owners of the same area qua whom similar orders were passed have been paid compensation.

Learned DAG, Haryana, to seek instructions and inform as to whether RFA has been filed against the decision of the learned Additional District and Sessions Judge, Panchkula, dated 05.10.2018, whether payment of compensation has been made to other land owners of the same area qua whom similar orders were passed as in the case of the petitioner and in case payment has been made to other land owners of the same area qua whom similar orders were passed as in the case of the petitioner, the reason for non compliance with the orders of the learned Additional District and Sessions Judge, Panchkula, dated 05.10.2018 in the case of the petitioner.

Adjourned to 17.05.2021.”

On 17.05.2021 more time was sought to inform the position in the light of order dated 03.05.2021.

4. Today, learned DAG, Haryana, has placed on record copy of order dated 19.05.2021 passed by the Administrator H.S.V.P. Haryana, Panchkula, sanctioning release of payment of Rs.3,41,53,148/-. The aforementioned order is taken on record. Learned DAG, Haryana, on instructions from Mr. Karambir, Kanungo, states that the needful could not be done and amount released earlier on account of administrative exigencies and circumstances prevailing due to Corona Virus pandemic but prays that in view of release of compensation having been sanctioned in terms of order of the learned Additional District Judge, Panchkula, dated 05.10.2018 and that the same would be positively deposited in the account of the petitioner within one week from today prays that no action be taken on the instant contempt petition. Learned Counsel for the petitioner states that in the light of the assurance held out he does not press the petition at this stage and the same may be disposed of as such while granting liberty to the petitioner to move an application for revival of the contempt petition, in case of

non compliance with the undertaking.

5. I have considered the submissions of learned Counsel and in view of the position noted above, the instant petition is disposed of as not calling for any orders except directing the respondents to adhere to the undertaking held out by the respondents through the learned Deputy Advocate General while making it clear that in the eventuality of non-compliance with the undertaking given by the concerned officer on behalf of the Administrator H.S.V.P., Haryana, Panchkula, through the learned DAG, Haryana, the petitioner would be at liberty to move an application for revival of the contempt petition, in which eventuality, a serious view of the matter would be taken.

(B.S. Walia)  
Judge

21.05.2021  
'Ayub'

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