

COCP No.2314 of 2020

Date of Decision : 18.01.2021

Gyanendera Sharma

...Petitioner

Versus

Rajeev Arora and another

....Respondents

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

Present : Mr. N.C. Kinra, Advocate for the petitioner.

Mr. Pawan Kumar Longia, DAG, Haryana.

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

1. Case is being taken up for hearing through Video Conferencing due to the outbreak of Covid-19 pandemic.
2. Prayer in the petition under Article 215 of the Constitution of India read with Section 12 of the Contempt of Courts Act, 1971, is for initiation of proceedings against the respondents for violation of order (Annexure P-1) dated 22.05.2019 in FAO No.3320 of 2015.
3. Learned counsel for the petitioner contends that vide order dated 22.05.2019, FAO No.3320 of 2015 was allowed and the order passed by the learned Additional District Judge, Chandigarh, as well as award passed by the Arbitrator were set aside, leaving it open to the parties to opt for fresh arbitration for adjudication of the matter, while observing that since the dispute pertained to the year 2007/2008, proceedings be completed by the Arbitrator within 06 months of entering reference, but despite lapse of the aforementioned period of time, needful has not been done, therefore, the

respondents are liable to be proceeded against under the Contempt of Courts Act, 1971 for intentional and willful defiance of order dated 22.05.2019 in FAO No.3320 of 2015.

4. Learned Deputy Advocate General on instructions from respondent No. 1 states that needful could not be done on account of circumstances prevailing due to Corona Virus Pandemic, beside the Arbitrator appointed initially was changed but in case, 06 weeks time is granted, a fresh award would be passed.

5. The same satisfies learned counsel for the petitioner, who states that in view of the assurance held out by respondent No. 1 through the learned Deputy Advocate General, he does not press the contempt petition and the same may be disposed of, as such, at this stage, while directing respondent No.1 to pass an award in terms of order dated 22.05.2019 in FAO No.3320 of 2015 within 06 weeks from today.

6. In view of the position as noted above, as well as statement of learned counsel for the petitioner, the contempt petition is ***disposed of*** as not pressed while directing respondent No.1 to adhere to the assurance held out through the learned Deputy Advocate General and to pass award in terms of order dated 22.05.2019 in FAO No.3320 of 2015 within 06 weeks from today.

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**

**January 18, 2021**

*'Rajneesh'*