

COCP No.2582 of 2020

Date of Decision : 13.01.2021

M/s Aay Kay Enterprises

...Petitioner

Versus

S.N. Roy and others

....Respondents

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

Present : Mr. R.K. Girdhar, Advocate for the petitioner.

Mr. Vivek Chauhan, Addl. AG, Haryana
for respondent Nos.1 & 2.

Mr. Prateek Mahajan, Advocate for respondent No.3.

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. Learned counsel for the petitioner contends that despite order dated 25.09.2020 in CWP No.6746 of 2020, directing respondent No.3 to take a final view on the legal notice and decide the same within a period of 01 month from the date of receipt of certified copy of the order and in case, of coming to the conclusion that the petitioner was entitled to the amount in question then the same be paid forthwith along with interest @ 6% per annum with effect from the date the amount became due within the aforementioned period of 01 month but despite the lapse of the aforementioned period of time the needful has not been done, and now in response to the petition a short reply has been filed that the legal

notice cannot be decided for want of record and non submission of any record by the petitioner.

3. Learned counsel for the respondents states that in case, the petitioner furnishes record/particulars with regard to the work done, the claim of the petitioner would be processed, in accordance with law, within period to be stipulated by this Court in compliance of orders dated 25.09.2020 in CWPNo.6746 of 2020.

4. Faced with the aforementioned submission, learned counsel for the petitioner states that the petitioner would submit the record available with the petitioner within 02 weeks and that in the circumstances, he does not press the contempt petition, at this stage, and the same may be disposed of as such, while directing respondent No.3 to consider and decide the claim of the petitioner, as made in legal notice served by him within time to be stipulated by this Court, 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 statements of learned counsel for the parties, the contempt petition is ***disposed of*** as not pressed, at this stage, while directing the petitioner to submit the record, available with it to respondent No.3 within 02 weeks from today. On receipt of the record from the petitioner, as well as the record to be traced out by respondent No.3, decision be taken on the claim of the petitioner, as made in legal notice within a period of 04 weeks thereafter and decision taken be communicated to the petitioner by

6. Needless to mention, in case, the needful is not done, the petitioner would be at liberty to move an application for revival of the contempt petition. It is further directed that on decision of the claim of the petitioner as made in the legal notice, if petitioner is found entitled to payment, the same be released to him within the aforementioned period of 04 weeks.

(B.S. Walia)
Judge

January 13, 2021
'Rajneesh'

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