

Brahm Dutt (now deceased) through wife Shakuntala

...Petitioner

V/S

D.P.S. Nagal and others

....Respondents

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

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

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 contends that despite order dated 10.07.2019, in CWP-22989-2017, directing the respondents to consider the claim of the petitioner for interest in view of policy decision Annexure R/5, dated 18.02.2013, within two months from the date of receipt of certified copy of the order, needful has not been done till date, therefore, respondent No.2 is liable to be proceeded against under the Contempt of Courts Act, 1971, for intentional and willful defiance of the orders of this Court as referred to above.

3. Issue notice to respondent No.2 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 order date 10.07.2019, in CWP-22989-2017.

4. Mr. Priyavrat Prashar, Advocate, accepts notice on behalf of

respondent No.2 and states that the claim of the petitioner for payment of interest in view of policy decision Annexure R/5, dated 18.02.2013, has been accepted and that payment as per entitlement would be released to the petitioner within four weeks from today.

5. The same satisfies learned counsel for the petitioner, who states that in the circumstances, he does not press the Contempt Petition and may be permitted to withdraw the same while directing respondent No.2 to adhere to the assurance held out by him through learned counsel and to make payment of interest as per policy decision Annexure R/5, dated 18.02.2013, within four weeks from today as also while granting liberty to the petitioner to move an application for revival of the Contempt Petition, if the circumstances of the case so warrant.

6. In view of the statement of learned counsel for the parties, the Contempt Petition is disposed of as not pressed at this stage while directing respondent No.2 to adhere to the assurance held out through learned counsel and release the payment on account of interest to the petitioner in terms of policy decision Annexure R/5, dated 18.02.2013, within four weeks from today. 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.

January 27, 2021

'rajesh'

(B.S. Walia)
Judge

<i>Whether speaking/ reasoned</i>	:	<i>Yes/No</i>
<i>Whether reportable</i>	:	<i>Yes/No</i>