

COCP No.40 of 2021

Date of Decision : 08.01.2021

M/s HPL Additives Limited

...Petitioner

Versus

Pankaj Aggarwal and another

....Respondents

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

Present : Mr. Vikas Singh, 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. Prayer in the petition under Sections 10 & 12 of the Contempt of Courts Act, 1971 is for initiating action against the respondents for intentional and willful violation of order dated 17.09.2019 in CWP No.20166 of 2019.

3. Learned counsel contends that in response to the prayer for stay of award in CWP No.20166 of 2019, learned counsel for the workman had stated that the workman would not press for prosecution in pursuance of the award, till the next date and in view of the statement of learned counsel for the workman, the Court was pleased to observe vide order dated 17.09.2019 that no orders were called for in respect of the application for stay.

4. Learned counsel further contends that the aforementioned

having been brought to the notice of the respondents vide intimation Annexure P-2/A through registered post on 05.11.2019, the respondents issued notice (Annexure P-3/A) dated 07.10.2020 to the petitioner to show cause as to why it be not prosecuted for non compliance with award dated 31.01.2019, therefore, the respondents were liable to be proceeded against under the Contempt of Courts Act, 1971 for intentional and willful disobedience of order dated 17.09.2019 in CWP No.20166 of 2019.

5. Notice of motion.

6. Mr. Vivek Chauhan, learned Addl. AG, Haryana, accepts notice on behalf of the respondents

7. Learned State Counsel on instructions from Mr. Munish Sharma, Additional Labour Commissioner (NCR), Gurugram, states that the show cause notice as to why the petitioner be not prosecuted for non compliance with the award, was issued on account of non receipt of order of this Court dated 17.09.2019 but now in view of receipt of the aforementioned orders, the impugned show cause notice (Annexure P-3/A) would be withdrawn.

8. The same satisfies learned counsel for the petitioner, who states that in view of the assurance held out by respondent No.2 through learned State Counsel, he does not press the contempt petition and the same may be disposed of, as such, with liberty to the petitioner to move an application for revival of the contempt petition, if the circumstances of the case, so warrant.

9. In view of the statement of learned counsel for the petitioner, as well as learned State Counsel, the contempt petition is ***disposed of*** as not pressed, with the liberty, as prayed for while directing respondent No. 2 to adhere to the assurance as held out through learned Addl. A.G. Haryana to withdraw the show cause notice issued to the petitioner. Needful be done within three days 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.

(B.S. Walia)
Judge

January 08, 2021
'Rajneesh'

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