

COCP-88-2020

Date of Decision : 26.05.2022

Ajay Kumar Contractor

...Petitioner

Versus

Hussan Lal and others

....Respondents

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

Present : Mr. Arvind Thakur, Advocate for the petitioner.

Mr. Aditya Sharda, AAG, Punjab.

B.S. Walia, J. (Oral)

[1] Prayer in the instant petition is for initiating action against the respondent for intentional and willful defiance of order, Annexure P/-2 dated 20.08.2019 in CWP-21787-2019.

[2] A perusal of order Annexure P-2 reveals that CWP-21787-2019 was disposed of by directing the Executive Engineer, Construction Division, PWD (B&R), Pathankot i.e. respondent No.3 herein to consider the claim of the petitioner against the backdrop of legal notice dated 25.06.2019 and take a decision thereupon expeditiously and in any case within eight weeks from the date of receipt of certified copy of the order and if any amount was found due, to release the same to the petitioner forthwith.

[3] Reply on behalf of respondent No.3 has been filed along with speaking order Annexure R-1 as well as copy of Bill Annexure R-2 and Pay Order Annexure R-3 dated 29.10.2019, 25.03.2021 and 30.03.2021 respectively. The reply is taken on record and copy thereof

[4] Learned AAG, Punjab, states that although the petitioner was found entitled to the payment claimed vide order Annexure R-1 dated 29.10.2019 yet payment as determined could not be released on account of non-receipt of budget / funds under the appropriate Head of Account but the payment was released immediately on receipt of budget / funds in March, 2021.

[5] Learned counsel for the petitioner states that in the circumstances, the petitioner does not press the instant petition and may be permitted to withdraw the same with liberty to take out appropriate proceedings in accordance with law to claim interest on account of delay in making the payment.

[6] In view of the position noted above as well as statement of learned counsel for the petitioner, the instant petition is *disposed of* as not calling for any action against the respondent under the Contempt of Courts Act, 1971 while granting liberty to the petitioner as prayed for.

(B.S. Walia)
Judge

26.05.2022

ps

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