

In the High Court of Punjab and Haryana, at Chandigarh

C.O.C.P. No. 36 of 2020

Date of Decision: 26.07.2022

The Sarna Co-op. L/C Society Limited, Sarna

... Petitioner(s)

Versus

Sh. Hussan Lal, IAS and Others

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Mr. Arvind Thakur, Advocate
for the petitioner(s).

Mr. Nikhil Chopra, Additional Advocate General,
Punjab, for the respondents.

Anil Kshetarpal, J.

1. The petitioner is a contractor. Complaining failure to release the payment of the work which was completed in due time, the petitioner filed a writ petition in this Court which was disposed of on 20.08.2019. The operative part of the order dated 20.08.2019 passed in Civil Writ Petition No. 21815 of 2019 reads as under:-

“In view of the above and without even ascertaining the correctness of the averments made in the petition I deem it appropriate to dispose of the writ petition with a direction to respondent No.3 to consider the claim of the petitioner against the backdrop of the legal notice dated 25.06.2019 (Annexure P-4) and to take a decision thereupon expeditiously and in any case within a period of eight weeks from the date of receipt of certified copy of this order.

Needless to observe that if any amount is found due the same would be released forthwith.

It is clarified that this Court has not examined the claim of the petitioner on merits”.

2. The learned counsel representing the petitioner admits that the principal amount has been paid, however, he claims that there was delay, therefore, the petitioner should be compensated with interest.

3. While dealing with the petition for initiation of the contempt, the Court is required to examine “As to whether there is any wilful disobedience of the Court which falls within the narrow meaning of intentional wilful disobedience constituting contempt of Court?” A contempt petition is not a substitute of execution petition.

3. Keeping in view the aforesaid facts, no further order is required to be passed. Hence, the present petition is dismissed.

(Anil Kshetarpal)
Judge

July 26, 2022
“DK”

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No