

Baljit Singh

...Petitioner

versus

Satpal Sharma and others

....Respondents

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

Present: Mr. Rajesh Goyal, Advocate for the petitioner.

Mr. Ashish Yadav, Advocate for the respondents.

B.S. Walia, J. (Oral)

1. Prayer in the petition is for initiating proceedings against the respondents for intentional and willful defiance of order, Annexure P-1, dated 27.02.2018, in CWP-4652-2018.

2. A perusal of order Annexure P-1 dated 27.02.2018, reveals that CWP-4652-2018, was disposed of by directing the respondent to consider and decide legal notice dated 05.01.2018, within six weeks from the date of receipt of certified copy of the order and in case on consideration the competent authority came to the conclusion that the relief claimed by the petitioner was admissible to him, in such eventuality, the consequential relief was to be allowed to him, within three months thereafter.

3. Learned counsel for the respondents refers to order Annexure R1/1 i.e. copy of speaking order dated 04.02.2019 and order Annexure R1/3 i.e. copy of calculations, to contend that the legal notice served by the petitioner dated 05.01.2018, has been decided and payment as per

entitlement determined therein i.e. Rs.1,07,03,701/- released vide order Annexure R1/3.

4. Learned counsel for the petitioner contends that the grievance of the petitioner is that although the aforementioned amount has been released along with interest @ 6% per annum on the final bill but no interest has been paid on Rs.33,57,902/- i.e. amount which was kept as security.

5. Learned counsel for the respondent contends that the only direction to the respondents was to consider the claim made in the legal notice and as per legal notice, there was no claim for payment of interest on the security amount, therefore, contention on behalf of the petitioner is misconceived.

6. I have considered the submissions of learned counsel for the parties.

7. Admittedly, vide order Annexure P/1 dated 27.02.2018, CWP-4652-2018, was disposed of by directing the respondent to consider and decide legal notice dated 05.01.2018, within six weeks from the date of receipt of certified copy of the order and in case on consideration the competent authority came to the conclusion that the relief claimed by the petitioner was admissible to him, in such eventuality, the consequential benefits were to be released to the petitioner within three months thereafter.

8. A perusal of order Annexure R1/1 reveals that claim of the petitioner as contained in legal notice dated 05.01.2018, has been decided

and payment as per entitlement determined therein i.e. Rs.1,07,03,701/-,

released to the petitioner besides Rs.7,02,994/- paid on account of interest on the full bill. A perusal of the record further reveals that neither was any claim made in the legal notice for payment of interest on the security amount nor was any direction given in the order, violation of which has been complained of in the instant petition.

9. In view of the position noted above, the instant petition is *disposed of* as not calling for any action against the respondents under the Contempt of Courts Act, 1971.

10. Rule discharged.

(B.S. Walia)
Judge

09.08.2022

rajesh

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