

COCp-1600-2022

Date of Decision :31.08.2022

M/S B.S. BUILDERS

...Petitioner

Versus

RAHUL BHANDARI AND OTHERS

....Respondents

Coram : Hon'ble Mr. Justice B.S. WaliaPresent : Mr. R.K. Girdhar, Advocate for the petitioner.
Mr. Ayush Sarna, AAG, Punjab.

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 26.05.2022 in CWP No.11535 of 2022 in case titled as M/s B.S. Builders vs. The State of Punjab and Ors.

[2] A perusal of order, Annexure P/1 reveals that CWP No.11535 of 2022 was disposed of by directing respondent No.4 herein to decide legal notice dated 01.05.2022 filed by the petitioner and pass appropriate orders in respect thereto in accordance with law preferably within one month from the date of receipt of certified copy of the order and in case the petitioner was found entitled to the payment claimed, to release the same to the petitioner forthwith failing which the same would be payable along with interest @ 6% per annum w.e.f. from the date of accrual till final realization of the amount in question.

[3] Learned AAG has filed reply by way of affidavit of respondent No.4 along with copy of speaking order, Annexure R/1 dated 15.07.2022 holding the petitioner entitled to payment of Rs.4,03,92,228/-

out of which, a sum of Rs.1,79,94,598/- is stated to have been paid to the

petitioner on 23.06.2022 with the remaining payment to be paid to the agency on receipt of funds. The same is taken on record. Copy thereof supplied to learned counsel for the petitioner who on perusal thereof states that in the circumstances, he does not press the instant petition and the same may be disposed of while directing respondent No.4 to release payment to the petitioner expeditiously in a time bound manner along with interest in terms of order, Annexure P/1 dated 26.05.2022.

[4] In view of the position noted above as well as the statement of learned counsel for the petitioner, the contempt petition is disposed of as not calling for any action against respondent No.4 under the Contempt of Courts Act, 1971. However, respondent No.4 is directed to take steps in accordance with law to secure funds for making payment of the claim of the petitioner as per entitlement determined vide Annexure R/1 dated 15.07.2022 as well as decision, Annexure P/1 dated 26.05.2022 and make the balance payment to the petitioner expeditiously.

[5] In case of payment of balance amount beyond 3 months from today, the officer responsible for not releasing the funds for making payment / not releasing the payment despite receipt of funds as the case may be shall bear the liability of interest as is paid by the Department.

[6] Contempt petition disposed of with the aforementioned terms.

[7] Rule discharged.

(B.S. Walia)
Judge

31.08.2022
'Amit'

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