

(143) IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

COCp-1621-2022
Date of Decision :05.09.2022

M/S B.S. BUILDERS

...Petitioner

versus

B.S. TULI AND OTHERS

....Respondents

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

Present : 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 06.07.2022 in CWP No.14083 of 2022.

[2] A perusal of order (Annexure P-1) dated 06.07.2022, reveals that CWP No.14083 of 2022 was disposed of by directing respondent No.3 herein to consider the pending legal notice dated 01.06.2022 served by the petitioner and pass an appropriate order in respect thereto in accordance with law within one month from the date of receipt of certified copy of the order and in case the claim of the petitioner was established with reference to record, then payment be released to the petitioner forthwith.

[3] Learned AAG has filed reply by way of affidavit of respondent No.3 along with copy of speaking order Annexure R/1 dated 08.08.2022 holding the petitioner entitled to payment of Rs.3,38,54,658/- for the work executed by the petitioner Firm out of which payment of Rs.47,65,770/- has been made to the petitioner and that the remaining

payment would be made as and when funds were received.

[4] Learned counsel for the petitioner states that in the circumstances the petitioner is not interested in pursuing the instant petition and may be permitted to withdraw the same while directing respondent No.3 to ensure release of payment in a time bound manner.

[5] Learned AAG states that the balance payment as per entitlement determined in Annexure R/1 dated 08.08.2022 would be released to the petitioner within two months from today.

[6] In view of the position noted above as well as the statement of learned counsel for the petitioner, the instant petition is *disposed of* as not calling for any action against the respondents under the Contempt of Courts Act, 1971 while directing respondent No.3 to ensure release of balance payment as per entitlement determined vide Annexure R/1 dated 08.08.2022 within two months from today failing which the petitioner would be entitled to take out appropriate proceedings in accordance with law for seeking interest on account of the delayed release of payment.

[7] The contempt petition is disposed of in the aforementioned terms.

[8] Rule discharged.

(B.S. Walia)
Judge

05.09.2022

'Amit'

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