

COCp-2315-2020 (O&M)

Date of Decision :10.08.2022

R.S. Builders and Contractors

..... Petitioner

versus

Vikas Partap, IAS and others

....Respondents

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

Present : Mr. R.K.Girdhar, Advocate for the petitioner.

Mr. Aditya Sharda, Asstt. A.G., Punjab.

B.S. Walia, J. (Oral)**CM No.1932-CII of 2021**

For the reasons as are mentioned in the application, the same is allowed. Reply by way of affidavit along with Annexure R-2/1 of respondent No.2 is taken on record subject to all just exceptions.

Main case

[1] Prayer in the petition is for initiating proceedings against the respondents for intentional and willful defiance of order, Annexure P-1, dated 25.08.2020, in CWP-12623-2020.

[2] A perusal of order Annexure P-1 reveals that CWP-12623-2020 was disposed of by directing respondent No.3 to decide legal notice dated 05.06.2020 served by the petitioner in accordance with law within one month from the date of receipt of certified copy of the order while granting liberty to respondent No.3 to refer the issue to any of his officers who were competent to deal with the matter in accordance with law and in case the competent authority arrived at the conclusion that the claim of the petitioner

was worth acceptance, then in that eventuality, payment was directed to be made within six weeks along with interest at the rate of 6.5% per annum from the date of completion of work till release of payment in favour of the petitioner, but in case the competent authority was of the view that the relief claimed by the petitioner was not entertainable, then a speaking order was ordered to be passed so as to allow the petitioner to avail its legal remedy in accordance with law.

[3] Learned counsel for the petitioner states that pursuant to notice issued to respondent No.2 to show cause as to why proceedings under the Contempt of Courts Act, 1971 be not initiated against him, payment as per entitlement has been released to the petitioner, therefore, the petitioner is not interested in pursuing the instant petition and may be permitted to withdraw the same.

[4] 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 respondent No.2 under the Contempt of Courts Act, 1971.

[5] Rule discharged.

(B.S. Walia)
Judge

10.08.2022
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Whether speaking/ reasoned	:	Yes/No
Whether reportable	:	Yes/No