

COC-1631-2022

Date of Decision : 05.09.2022

M/s Shree Krishna Construction Co.

...Petitioner

versus

Ajoy Kumar Sinha 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 respondent for intentional and willful defiance of order, Annexure P-1, dated 07.07.2022, in CWP-14183-2022.

2. Pursuant to notice issued to respondent No.4, learned AAG, Punjab, with Mr. Bankesh Sharma, Executive Engineer, Construction Division, PWD (B&R), Branch, Nabha, District Patiala, states that he has instructions from Mr. Param Jyoti Arora, Chief Engineer (South), PWD, B&R Branch, Patiala, that out of the payment to which the petitioner has been held entitled to vide order Annexure P/4 dated 28.07.2022, a sum of Rs.81,66,000/- has been released to the petitioner vide pay order dated 05.09.2022. Photocopy of the same is taken on record. Copy thereof supplied to learned counsel for the petitioner. Learned AAG, Punjab, further states that as has been assured by respondent No.3, balance amount would be released to the petitioner within three weeks from today.

3. Learned counsel for the petitioner states that in the circumstances, the petitioner does not press the instant petition but prays

for directing respondent Nos.3 and 4 to adhere to the assurance held out through the learned AAG, Punjab and to release balance payment to the petitioner, as determined vide order Annexure P/4, within such time as is stipulated by this Court.

4. In view of the position noted above as well as 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, while directing respondent Nos.3 and 4 to ensure release of balance payment to the petitioner as per entitlement determined vide Annexure P/4 less payment already made, within four weeks from today. Needless to mention in case payment as per entitlement is not made to the petitioner within four weeks from today or is made thereafter, it would be open to the petitioner to take out appropriate proceedings to seek interest on the delayed payment as per entitlement and in such eventuality, interest payable would be borne by the officer responsible for the delay in releasing the balance payment within the stipulated period of time.

5. Rule discharged.

(B.S. Walia)
Judge

05.09.2022

rajesh

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