

COCp-2892-2019

Date of Decision :18.04.2022

Davinder Kumar

...Petitioner

Versus

Hussan Lal and others

....Respondents

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

B.S. Walia, J. (Oral):

[1] Prayer in the instant petition is for initiating action against the respondents for intentional and willful defiance of order (Annexure P-1) dated 08.05.2019 passed in CWP-10562-2019.

[2] A perusal of order dated 08.05.2019 (Annexure P-1) reveals that CWP-10562-2019 was disposed of by directing the Executive Engineer, Construction Division, PWD B & R Branch, Mini Secretariat, Patiala (respondent No.4 herein) to examine the claim of the petitioner against the backdrop of legal notice dated 12.12.2018, expeditiously and in any case within eight weeks from the date of receipt of certified copy of the order and if any amount was found due to the petitioner, to release the same without any further delay.

[3] Notice was issued in the instant case to respondent No.5 only.

[4] Learned counsel for the petitioner submits that pursuant to speaking order dated 22.07.2019 (Annexure P-3), the petitioner has been released a sum of Rs.32,75,111/-on account of the work done at site, whereas the claim is for Rs.70,00,000/- approximately plus interest.

[5] Learned counsel contends that in view of release of payment to the petitioner, in terms of decision taken on the claim of the petitioner as contained in legal notice dated 12.12.2018, in terms of order dated 08.03.2019 in CWP-10562-2019, the petitioner does not press the instant petition and may be permitted to withdraw the same, with liberty to challenge order dated 22.07.2019 (Annexure P-3) to the extent it denies relief as per entitlement by way of appropriate proceedings in accordance with law.

[6] Learned Assistant Advocate General, Punjab states that he has no objection to the proposed course of action.

[7] Accordingly, in view of the position noted above, as well as statement of learned counsel for the petitioner, no action is called for against the respondents under the Contempt of Courts Act, 1971. Contempt petition is accordingly *disposed of* as such while granting liberty to the petitioner as prayed for. Rule discharged.

(B.S. Walia)
Judge

18.04.2022

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Whether speaking/ reasoned : Yes/No

Whether reportable : Yes/No