

106+218 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CM-13263-CII-2021 and
CM-13263-CII-2021 in/and
COCP-2835-2020 (O&M)
Date of Decision : 08.03.2022

Indian Oil Corporation Ltd. ...Petitioner

versus

Tarsem RajRespondent

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

Present : Mr. Ashish Kapoor, Advocate for the petitioner.
Mr. Sunil Kumar Sharma, Advocate for the respondent.

B.S. Walia, J. (VC)

CM-13263-CII-2021

1. Case is being taken up for hearing through Video Conferencing due to Covid-19 pandemic.
2. Prayer in the application is for placing on record reply on behalf of the respondent.
3. For the reasons as are mentioned in the application, the same is allowed.
4. Reply filed on behalf of the respondent is taken on record subject to all just exceptions.

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5. For the reasons as are mentioned in the application, the same is allowed. Replication is taken on record subject to all just exceptions.

COCP-2835-2020

6. Prayer in the instant petition is for initiating proceedings against the respondent for intentional and willful defiance of order,

7. A perusal of order Annexure P/1 dated 18.11.2019, reveals that CWP-27892-2017, was allowed by quashing order dated 20.04.2017 and 10.05.2017 and by directing the respondent to decide the issue afresh, after considering all the relevant material as also after hearing the authorized representative of the corporation, within three months from the date of receipt of certified copy of the order. Learned counsel contends that the instant petition was filed on account of failure of the respondent to do the needful within the stipulated period of time.

8 Learned counsel for the respondent has placed on record copy of order dated 28.01.2022, passed by the respondent in compliance with order Annexure P/1 dated 18.11.2019, in CWP-27892-2017. The same is taken on record. Copy thereof supplied to learned counsel for the petitioner, who states that in the circumstances, the petitioner is not interested in pursuing the instant petition and the same may be disposed of as such, while granting liberty to the petitioner to challenge order dated 28.01.2022, by way of appropriate proceedings, in accordance with law.

9. Admittedly, order dated 28.01.2022, has been passed by the respondent in compliance with order Annexure P/1 dated 18.11.2019, in CWP-27892-2017, though belatedly. Learned counsel for the respondent contends that the delay was not intentional and was on account of circumstances prevailing on account of Corona Virus pandemic and that the respondent holds the orders of the High Court in the highest esteem and cannot think of disregarding the same and, therefore, in the circumstances, tenders unconditional apology for the delay in compliance and prays for the contempt petition to be disposed of as not calling for any

action against the respondent under the Contempt of Courts Act, 1971.

10. I have considered the submissions of learned counsel.

11. Admittedly, order dated 28.01.2022, has been passed in compliance with order Annexure P/1 dated 18.11.2019, in CWP-27892-2017. Accordingly, while taking into account the fact that needful has been done as also in view of the explanation given by learned counsel for the respondent, the contempt petition is disposed of as not calling for any action against the respondent under the Contempt of Courts Act, 1971, while granting liberty to the petitioner to challenge order dated 28.01.2022, by way of appropriate proceedings, in accordance with law.

12. Rule discharged.

(B.S. Walia)
Judge

08.03.2022
rajesh

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