

COCp-2223-2022

Date of Decision :17.11.2022

Bharat Singhal

...Petitioner

Versus

Dilbagh Singh Reddu

....Respondent

Coram : Hon'ble Mr. Justice B.S. WaliaPresent: Mr. Manish Gupta, Advocate and Mr. Neelmani Gupta,
Advocate for the petitioner.

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 21.09.2022 in CWP-16760-2022.

2. A perusal of order Annexure P/1 reveals that while adjourning the case to 02.11.2022, the following directions were issued:

“The amount of interest which the petitioner has to pay for the delayed payment for the period w.e.f. 01.04.2022 to 15.10.2022 on the negotiated settlement amount shall be communicated to the petitioner by the respondent-Bank, without prejudice to its right in the Writ Petition within two weeks from today.”

3. Learned counsel for the petitioner contends that although the respondent has informed the amount payable by the petitioner towards

the interest, the same does not categorically mention the period for which the Hon'ble Division Bench had directed details to be furnished i.e. 01.04.2022 to 15.10.2022 (both counsel contend that the date 15.10.2020 as recorded in order dated 21.09.2022, Annexure P-1 is a typographical error and the same be read as 15.10.2022).

4. Although notice has yet not been issued in the instant case yet Ms. Madhu Dayal, Advocate is present on behalf of the respondent and requests for permission to assist in the matter.

5. Learned counsel for the respondent states that a perusal of paragraph No.3 of order Annexure P-6 reveals that interest amount payable as per compromise for the period 18.06.2021 to 31.03.2022 as also 01.04.2022 to 15.10.2022 has been given, therefore, it is not open for the petitioner to contend that details of the interest which the petitioner has to pay for the delayed payment for the period w.e.f. 01.04.2022 to 15.10.2022 on the negotiated settlement in terms of the order of the Hon'ble High Court has not been communicated to him.

6. Be that as it may, learned counsel for the respondent states that fresh intimation will be given to the petitioner of the amount payable in terms of order dated 21.09.2022 within one week from today.

7. In view of the position noted above as well as the statement of learned counsel for the respondent, the instant petition is disposed of as not calling for any action against the respondent under the Contempt of Courts Act, 1971 while directing the respondent to adhere to the assurance held out by learned counsel and to give fresh intimation to the petitioner with

delayed payment for the period w.e.f. 01.04.2022 to 15.10.2022 on the negotiated settlement in terms of the orders of Hon'ble the Division Bench.

(B.S. Walia)
Judge

17.11.2022
ps

<i>Whether speaking/ reasoned</i>	:	<i>Yes/No</i>
<i>Whether reportable</i>	:	<i>Yes/No</i>