

COCp-4-2020

Date of Decision :03.03.2022

M/S Daljinder Singh and Co.

...Petitioner

Versus

Hussan Lal IAS And Others

....Respondents

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

B.S. Walia, J. (Oral)

[1] Prayer in the instant petition under Sections 10 and 12 of the Contempt of Courts Act, 1971 is for taking action against the respondents for intentional and willful defiance of order, Annexure P/1 dated 03.07.2019 in CWP No.17493 of 2019.

[2] A perusal of order, Annexure P/1 dated 03.07.2019 reveals that CWP No.17493 of 2019 was disposed of by directing the Executive Engineer, PWD, B&R Branch, Batala, District Gurdaspur (i.e. respondent No.4 herein) to examine the claim of the petitioner against the backdrop of legal notice dated 30.04.2019 expeditiously and in any case within a period of eight weeks from the date of receipt of certified copy of the order and in case any amount was found due to the petitioner, to release the same without any delay.

[3] Learned counsel contends that the instant petition was filed on account of failure of the respondents to do the needful but during the pendency of the petition, respondent No.4 has released payment to the

petitioner is not interested in pursuing the instant petition and the same may be disposed of as such.

[4] Learned AAG also states that in view of order, Annexure P/1 dated 03.07.2019 in CWP No.17493 of 2019 having been complied with, the instant petition be disposed of as not calling for any action against the respondents under the Contempt of Courts Act, 1971 especially as delay in decision of the case was not intentional but on account of circumstances beyond the control of respondent No.4 as also the conditions prevailing on account of the pandemic. Learned AAG further contends that respondent No.4 holds the orders of the Court in the highest respect and tenders an unconditional apology for the delay in the decision and release of the payment.

[5] I have considered the submissions of learned counsel.

[6] Admittedly, order, Annexure P/1 dated 03.07.2019 in CWP No.17493 of 2019 has been complied with and payment as per entitlement has been released to the petitioner though belatedly. However, in view of the explanation given by learned AAG as well as statement of learned counsel for the petitioner, besides, the unconditional apology tendered by respondent No.4, the Contempt petition is disposed of as not calling for any action against the respondents under the Contempt of Courts Act, 1971.

[7] Rule discharged.

(B.S. Walia)
Judge

03.03.2022
'Amit'

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