

COCP No.1999 of 2020

Date of Decision : 19.11.2020

Swaran Singh

...Petitioner

Versus

Des Raj Banger

....Respondent

Coram : Hon'ble Mr. Justice B.S. WaliaPresent : Mr. Ashish Grover, Advocate
for the petitioner.Mr. Shantanu Bansal, Advocate for
Mr. Alok Mittal, Advocate
for the respondent.

B.S. Walia, J. (VC)

1. Case is being taken up for hearing through Video Conferencing due to the outbreak of Covid-19 pandemic.

2. Prayer in the petition under Article 215 of the Constitution of India read with Sections 11 & 12 of the Contempt of Courts Act, 1971 is for initiating action against the respondent for willfully, deliberately and intentionally disobeying orders (Annexure P-1) dated 27.01.2020 in CWP No.2025 of 2020 in case titled as '**Swaran Singh** versus **Punjab State Power Corporation Limited and others.**'

3. Learned counsel contends that vide order (Annexure P-1) dated 27.01.2020, CWP No.2025 of 2020 was disposed of by directing the respondent, to decide the claim made in legal notice dated 11.11.2019 by passing a speaking order within 03 months from the date of receipt of certified copy of the order and in case the petitioner was found entitled to

grant of relief, arrears be paid for a period of 03 years and 02 months, prior to the filing of the writ petition, but despite lapse of more than 10 months, needful has not been done, therefore, the respondent is liable to be proceeded against under the Contempt of Courts Act, 1971 for violation of order dated 27.01.2020.

4. Mr. Shantanu Bansal, Advocate, appearing on behalf of Mr. Alok Mittal, learned counsel for the respondent, on instructions from the respondent, states that needful could not be done due to circumstances prevailing on account of Corona Virus Pandemic, as also on account of the record pertaining to a period of more than a decade and a half ago but in case 08 weeks time is granted, needful would be done and orders passed on the claim made in the legal notice would be communicated to the petitioner within 01 week thereafter.

5. The same satisfies learned counsel for the petitioner, who states that in view of the assurance held out by the respondent through learned Counsel, he does not press the contempt petition and the same may be disposed of, as such, at this stage, with liberty to the petitioner to move an application for revival of the contempt petition, if the circumstances of the case so warrant.

6. Accordingly, in the light of statement of learned counsel for the parties, the contempt petition is ***disposed of*** as not pressed, at this stage, while directing the respondent to consider and decide the claim made in legal notice dated 11.11.2019 within 08 weeks from today and to communicate decision taken thereon to the petitioner within 01 week thereafter and further in case the petitioner is found entitled to relief, arrears

be released to the petitioner within 04 weeks thereafter in terms of decision dated 27.01.2020 in CWP No.2025 of 2020.

7. However, it is made clear that in case, the needful is not done within the stipulated period of time, the petitioner would be at liberty to move an application for revival of the contempt petition.

(B.S. Walia)
Judge

November 19, 2020

'Rajneesh-Amit'

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