

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

COCP No. 1261 of 2018
Date of Decision: 14.01.2020

Dilawar Singh

...Petitioner

VERSUS

Kamaldeep Singh Sangha

...Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. A.S.Narang, Advocate
for the petitioner.

Mr. R.S. Pandher, Advocate
for the respondent.

SURINDER GUPTA, J.

Learned counsel for the respondent submits that Mr. Dinesh Bassi, present Chairman, Municipal Corporation, Amritsar is admitted in hospital and could not appear. His presence for today is exempted.

The present petition has been filed to initiate action against the respondent under Sections 11 and 12 of the Contempt of Courts Act, 1971 for non-compliance of order dated 24.10.2017 passed in CWP No. 2084 of 2016. Operative part of order dated 24.10.2017 reads as follows:-

“In conspectus of the above, the only and the inevitable conclusion that could be reached is that the order dated 28.08.2015 (Annexure P9) is wholly erroneous and thus unsustainable. Accordingly, the writ petition is allowed and the impugned order (Annexure P9) is set aside. The respondent-Trust is directed to release/issue the ‘No Objection Certificate’ that has been applied for by the petitioners within a period of six weeks from the receipt of certified copy of this order.”

It is admitted that the respondent in compliance of order dated 24.10.2017 has issued 'No Objection Certificate' (Annexure P-4). The petitioner is alleging non-compliance of order 24.10.2017 for the reason that 'No Objection Certificate' has been issued subject to payment of ₹33,90,888/- on account of exemption and development expenses. He submits that these charges cannot be levied on the petitioner as per policy of Improvement Trust.

Learned counsel for the respondent submits that as per State Policy adopted by Improvement Trust, Amritsar, 'No Objection Certificate' could be issued on payment of the requisite charges.

The question raised by learned counsel for the petitioner and learned counsel for the respondent is not required to be looked into in the contempt petition. Parties may avail the legal remedy in this regard.

Vide order dated 24.10.2017, the respondent was directed to issue 'No Objection Certificate' to petitioner, which has now been issued. The petitioner can raise the issue of payment of charges as claimed by the respondent in appropriate legal proceedings.

In view of the above, this petition is disposed of with liberty to petitioner to avail the other legal remedy with regard to condition in the 'No Objection Certificate'.

January 14, 2020

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(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No