

COCP-130-2022

Date of Decision : 14.02.2022

Gurinder Singh ...Petitioner

Versus

Siva Prasad and Ors. ....Respondents

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

Present : Mr. Dilpreet Singh Gandhi, Advocate for the petitioner.  
\*\*\*

**B.S. Walia, J. (VC)**

[1] Case is being taken up for hearing through Video Conferencing due to Covid-19 pandemic.

[2] Prayer in the petition under Section 12 of the Contempt of Courts Act, 1971 is for initiating action against the respondents for intentional and willful defiance of order (Annexure P-1) dated 09.08.2021 in CWP No.14993 of 2021.

[3] A perusal of order, Annexure P/1 dated 09.08.2021 reveals that CWP No.14993 of 2021 was disposed of by directing the competent authority to consider and decide the claim of the petitioner as contained in the legal notice by passing a speaking order 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 respondent No. 2 to do the needful.

[4] Issue notice to respondent No. 2 to show cause as to why proceedings under Contempt of Courts Act, 1971 be not initiated against him.

[5] Mr. Anupam Singla, Advocate accepts notice on behalf of respondent No. 2 and has produced copy of order dated 24.01.2022. The same is taken on record. Copy thereof supplied to learned counsel for the petitioner, who on perusal of the same states that in view of the claim of the petitioner having been rejected by respondent No.2 vide order dated 24.01.2022, the petitioner is not interested in pursuing the contempt petition and the same may be disposed of as such while granting liberty to the petitioner to challenge order dated 24.01.2022 by way of appropriate proceedings in accordance with law.

[6] Mr. Anupam Singla, Advocate appearing on behalf of respondent No. 2 further states that there is a few days' delay in compliance, but the same was on account of circumstances beyond the control of respondent No.2 and in future, it would be ensured that in case of any directions having been issued by any Court to decide a claim within a stipulated period of time, orders in respect thereto would be passed within the stipulated period of time and in case of inability to pass orders within the stipulated period of time, appropriate application would be moved seeking extension of time. He further states that the intention of respondent No.2 was never to not comply with the orders of this Court within the stipulated period of time and for the delay in deciding the claim of the petitioner in terms of order dated 09.08.2021 in CWP No.14993 of 2021, respondent No. 2 regrets the delay and offers an unconditional apology.

[7] I have considered the submissions of learned counsel. A perusal of order, Annexure P/1 dated 09.08.2021 reveals that CWP No.14993 of 2021 was disposed of by directing the competent authority to

consider and decide the claim of the petitioner as contained in the legal notice by passing a speaking order within three months from the date of receipt of certified copy of the order. Admittedly, compliance could not be done within the stipulated period of time and there is a few days' delay in passing the order. However, as per the explanation given, the delay was on account of circumstances beyond the control of respondent No.2. It has also been assured by learned counsel for respondent Nos. 2 that in future, it would be ensured that in case of any directions issued by any Court to decide a claim within a stipulated period of time, orders in respect thereto would be passed within the stipulated period of time and in case of inability to pass orders within the stipulated period of time, appropriate application would be moved seeking extension of time. Learned Counsel has further informed that the intention of respondent No.2 was never to not comply with the orders of this Court within the stipulated period of time and for the delay in deciding the claim of the petitioner in terms of order dated 09.08.2021 in CWP No.14993 of 2021, respondent No.2 regrets the delay and offers an unconditional apology.

[8] In the light of the position noted above as well as statement of learned counsel for the petitioner, no action under the Contempt of Courts Act, 1971 is called for against respondent No .2.

[9] Contempt petition is accordingly disposed of as such while granting liberty to the petitioner to challenge order dated 24.01.2022 by way of appropriate proceedings in accordance with law.

COCP-130-2022

[4]

[10] Rule discharged.

**(B.S. Walia)**  
**Judge**

**14.02.2022**

*'Amit'*

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