

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

COCP No.1697 of 2018  
Date of Decision:25.5.2018

M/s Gawar Construction Limited ... Petitioner

Versus

Sh.Yashpal and another ... Respondents

**CORAM:- HON'BLE MR. JUSTICE RAJIV NARAIN RAINA**

Present: Mr.B.S.Patwalia, Advocate for the petitioner

**RAJIV NARAIN RAINA, J. (Oral)**

The petitioner approached this Court in CWP No.22926 of 2015 in case titled M/s Gawar Construction Ltd. vs. State of Haryana and others (CWP No.22926 of 2015). The dispute between the parties was regarding assessment of compensation to be paid to the petitioner by third party. The sole conciliator was Addl. Deputy Commissioner, Gurgaon who submitted his report on 20<sup>th</sup> October, 2016 which report is reproduced in the order dated 21<sup>st</sup> October, 2016 disposing of the writ petition. The report reads as follows:-

“Both parties have agreed for assessment of compensation to be paid to M/s Gawar Construction ltd. by third party, preferably a government body, within time period of 3 weeks. There are 2 components of compensation demanded by M/s Gawar Construction Ltd.:-

a) Compensation for investment in physical infrastructure.

b) Compensation for loss of business opportunity and revenue.

For determining compensation for investment in physical infrastructure, a neutral body/authority can be deputed to assess quantum of work done at sites and thus calculate compensation. For compensation for loss of business opportunity and revenue, both parties should reach an agreement on appointing assessor or any proposition as directed by Hon'ble High Court.”

In view of the report, the learned Single Judge found that nothing survives in the petition and thus the writ petition was disposed of at that stage. Thereafter, the petitioner wrote to the assessing authority and the Municipal Corporation, Gurgaon to give effect to the agreement before the Additional Deputy Commissioner, Gurgaon and when nothing came out, the petitioner has approached this Court by filing this petition under Section 12 of the Contempt of Courts Act, 1971 alleging that the respondents are in breach of the order of this Court. Having regard to the fact that there is neither an undertaking nor a direction by a court of law, contempt is not made out. The Addl. Deputy Commissioner, Gurgaon was not acting as a court. Besides, it was merely an agreement and not in the shape of an undertaking and that only a party was resiling from that position.

If the petitioner is aggrieved by the acts and events in its wake, then he has legal remedy available to him and the agreement cannot be enforced by way of contempt proceedings since it is not within its scope. Moreover, even assuming that there is a whisper of contempt, even then this court will not initiate contempt proceedings in view of the bar of limitation as per Section 20 of the Contempt of Courts Act, 1971 which stipulates that no court shall initiate any

proceedings of contempt, either on its own motion or otherwise, after the expiry of a period of one year from the date on which the contempt is alleged to have been committed.

In view of the above, contempt petition is dismissed. However, the petitioner is at liberty to seek its remedy before the appropriate forum.

**(RAJIV NARAIN RAINA)**  
**JUDGE**

**25.5.2018**  
**MFK**

*Whether speaking/reasoned*

*Yes/No*

*Whether Reportable*

*Yes/No*