



**PUNJAB STATE TRANSMISSION CORPORATION LTD.
O/O LEGAL SECTION SHAKTI SADAN, PATIALA**

To

Regd.

1. EIC /P&M, PSTCL, Ludhiana
2. CE/SLDC, PSTCL, Ablowal, Patiala.
3. CE/TS, PSTCL, Patiala.
4. CE/HR, Planning and IT, PSTCL, Patiala.
5. CAO/Corporate Audit, PSTCL, Patiala.
6. Finance Advisor, PSTCL, Patiala.
7. Company Secretary, PSTCL, Patiala

Memo.No. 15107/13 /LB-2/Pending Court Cases

Dated 18/12/12

Subject:- Compliance of orders of Hon'ble High Court in letter and spirit within stipulated period as per directions issued by Hon'ble High Court in COCP No. 670 of 2012 in CWP No. 11392/2011 M/s. Kansal Co-operative House Building Society Ltd. VS Karandeep Singh Bhullar IAS.

Under Secy. Liaison Government of Punjab, Deptt. of Home Affairs Monitoring Cell Endst. No. 1/26/2012-1 Mon. Cell /13354 dated 4.9.2012 alongwith the D.O. letter of Sh. H.S. Rakhra IAS (Retd.) OSD Litigation to Chief Secretary Govt. of Punjab, Chandigarh addressed to Principle Secretary Finance Commissioner Cooperation Department, Chandigarh endorsed by Special Executive Officer Litigation vide Endst. No. 1151 dated 3.9.2012 which has been circulated to all Administrative Secretaries and Heads of Departments has been endorsed to CMD PSTCL, Patiala (Addressee No. 2) on the subject cited above for information & necessary compliance. (Copy Enclosed)

In COCP No. 670 of 2012 in CWP No. 11392 of 2011 M/s. Kansal Co-operative House Building Society Ltd. VS Karandeep Singh Bhullar IAS the Hon'ble High Court in its order dated 27.8.12 observed that compliance of orders of Hon'ble Courts are not made in time and the petitioners are compelled

to file contempt petitions .To keep the execution of an order in abeyance for an inordinately long period and then to report compliance soon after a notice is issued in the contempt proceedings only smacks of a deliberate lethargy or a wilful neglect or disobedience, as the case may be.

The court has on numerous occasions urged the learned counsel representing the States of Punjab and Haryana to convey the sentiments of the Court to appropriate quarters so that such like unreasonable situations do not occur and a citizen is not sucked into an unwarranted litigation and the court itself burdened with unwanted dockets.

The Court, therefore, directs as follows:-

- 1) Where the directions have been passed by the Court in the presence of the parties binding them to sometime frame, there is absolutely no occasion for the respondent not to comply with such directions in the said time frame set out by the court unless there is a sound justification for the same and costs should be an unavoidable inevitability in the first instance if non-compliance of such directions is brought to the notice of the court either through an appropriate petition under the Contempt of Courts Act or even a letter along with the necessary particulars. The Court at the time of issuance of notice of motion shall pass an order imposing provisional costs, which of course shall be waived if the respondents show a justification for non-compliance of the orders.
- 2) It would be appropriate to peg down the acceptable delay in executing the orders beyond the time frame to a period of two months than the one which has been prescribed in the order as to meet the expected delay in intradepartmental or interdepartmental interactions. This however is not to be considered as a rule, and the urgency of the underlying grievance of the litigant should be the determining factor to condone the lapse.
- 3) If the delay is beyond two months, the respondents would be under a duty to inform the court about each day's delay and the

names of the officers concerned involved with the dealing of the matter so as to ensure accountability.

- 4) Such a situation would invite an exemplary cost besides the proceedings under the Contempt of Courts Act.
- 5) The Court is consciously not passing a blanket order indicating costs to be imposed in such eventualities but justification offered would be one of the indicators to determine the amount which shall be recovered from the personal pay of the officer who is held accountable for the lapse.
- 6) On an advisory note the Chief Secretary would do well to have in place one nodal officer in each department who will report to the superior officer to take a decision about the orders of this court so as to ensure prompt compliance.
- 7) It would not be necessary for a litigation alleging non-compliance of the orders especially where the orders have been passed in the presence of the parties to engage the services of a counsel and even if he informs the court through a letter addressed to Hon'ble the Chief Justice along with a copy of the order and brief particulars, it would be sufficient to meet the exigencies of the situation and as observed earlier it will be for the respondents to explain their conduct.

The Head of the Department should ensure meticulous compliance of directions of Hon'ble High Court as mentioned above.

DA/- As Above

[Signature]
 8-12-2012
 Dy. Secretary/Legal,
 PSTCL, Patiala
[Signature] 18/10/2012

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18/10/12

CC:

- 1. Superintendent Government of Punjab, Deptt. of Power Energy Branch, Mini Secretariat, Sector-9 Chandigarh w.r.t. Endst. No. 7/43/2012- EB4(5)2269 dated 26.9.2012.
- 2. O.S.D. to Director Finance and Commercial PSTCL, Patiala for information please.