

Court No. - 32

Case :- WRIT - C No. - 42836 of 2023

Petitioner :- M/S Sarvesh Kumar Having Its Registered Office

Respondent :- Union Of India And 2 Others

Counsel for Petitioner :- Anuj Bajpai

Counsel for Respondent :- A.S.G.I., Bal Mukund

Hon'ble Salil Kumar Rai, J.

Hon'ble Syed Qamar Hasan Rizvi, J.

1. Heard learned counsel for the petitioner and Sri Bal Mukund, learned counsel appearing on behalf of the respondent no. 1.

2. The grievance of the petitioner in the writ petition is that Rs. 5,22,937/- due to the petitioner has been illegally and unnecessarily withheld by the General Manager, Hindustan Aeronautics Limited TAD Kanpur / respondent no. 2. It appears that because of certain deficiencies in services of the petitioner, a penalty of Rs. 3,68,662/- was deducted from the amount payable to the petitioner. The documents annexed with the writ petition indicate that after making certain deduction Rs. 5,22,937/- has been withheld by the Hindustan Aeronautics Limited TAD Kanpur / respondent no. 2.

3. The issue raised in the present writ petition can be decided by the General Manager, Hindustan Aeronautics Limited TAD Kanpur and, therefore, the writ petition is ***disposed of*** with the liberty to the petitioner to file a representation before the General Manager, District Kanpur bringing all necessary facts to his notice who on receipt of the said representation shall decide the same, in accordance with law, by a reasoned and speaking order within a period of three months from the date of filing the representation. In case any dues are found to be payable to the petitioner, the same shall be released within a period of one month from the date of decision of the General Manager, Kanpur / respondent no. 2.

4. The General Manager, Kanpur / respondent no. 2 shall also decide the entitlement of the petitioner for refund of the security money given by him and the same shall also follow the decision.

Order Date :- 12.12.2023

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