

Sr.No.221
IN THE HIGH COURT OF PUNJAB AND HARYANA CHANDIGARH

COCp-192-2015(O&M)
Decided on: 24.09.2015

A-One Builders 6-A Kitchlu Nagar LudhianaPetitioner

vs.

Gopal Kishan Singh DhaliwalRespondent

Coram: Hon'ble Mr. Justice Mahesh Grover

Present: Mr.Vinod Gupta, for the petitioner.
Mr. Ish Preet Singh, Advocate for respondent.
**

Mahesh Grover, J

The petitioner had filed the instant petition alleging violation of the orders of this Court which had mandated the release of all amounts for the works done by the petitioner.

In the affidavit filed by Sh.Dharam Singh, Superintending Engineer (B&R), Municipal Corporation Ludhiana it was specifically stated as below:-

“3. That after approval of F&CC dated 26.06.2006, work order bearing no.97/G-33 dated 15.09.2006 was issued to the petitioner's firm. The detail of estimate and, 50% tender amount and payment made to the petitioner firm is as under:-

50% of the tender amount	Amount after 18% saving	Time of work limit	Rs.14,22,584/- was released on 26.08.2013 after including the difference of extra bitumen Rs.5,97,706/-.
8,92,024	7,31,459/-	2 months	

4. That the payment as mentioned in para no.3 of this reply was

released to the petitioner after verification of Account & Audit wing of Municipal Corporation Ludhiana. It is incorrect that payment of Rs.1,33,687/- is yet to be paid. The security amount of Rs.1,42,258/- is being released to the petitioner within two weeks.”

The petitioner strenuously disputed this to contend that the assertion made by the respondents is wrong as no amount has been released to them.

Confronted with this situation, the deponent Dharam Singh was required to file an affidavit and was directed to remain present in the Court. He has now filed an affidavit which is completely at variance with the earlier stand taken by him and pleaded the earlier assertion in the affidavit to inadvertence and erroneous interpretation of the audit report.

On due consideration of the matter and noticing the fact that the amount now stands paid to the petitioner, I would deem it appropriate to dispose of as having become satisfied.

The explanation of Sh.Dharam Singh, Superintending Engineer (B&R), Municipal Corporation Ludhiana regarding filing of an earlier affidavit which was incorrect is rejected and thus for filing false affidavit and mis leading the Court to obstruct the course of justice, he is burdened with costs of Rs.25,000/-. He is also warned to be careful in future. Costs shall be compensatory to the petitioner.

24.09.2015
mamta

(MAHESH GROVER)
JUDGE