IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

****

CWP No.24516 of 2013
Date of Decision:02.08.2016

M/s Maa Bhagwati Enterprises, Mohali .....Petitioner

Vs.

State of Punjab and others .....Respondents

CORAM:- HON'BLE MR. JUSTICE RAKESH KUMAR JAIN

Present:- Mr. Jatinder Nagpal, Advocate for the petitioner.

Mr. Anant Kataria, DAG, Punjab.

****

RAKESH KUMAR JAIN, J.(Oral)

The only argument raised by counsel for the petitioner is on the basis of Specification 9 which read as under:-

> "Payment will only be made for work executed to the satisfaction of the Sub Divisional Officer/ Executive Engineer and work not so executed shall be rejected or paid for at lower rate at the option of the Sub Divisional Officer/ Executive Engineer. The decision of the Executive Engineer as regards the rejection of defective work or of the amount by which the rate should be reduced shall be final and binding on the Contractor."

It is submitted that the only amount which is required to be paid by the respondent is of approximately ₹1 lac which may be reduced by the respondents in terms of the aforesaid Specification 9.

RENU
2016.08.03 15:29
I attest to the accuracy and
authenticity of this document
Chandigarh

Counsel for the respondents, however, submits that since the work executed by the petitioner was not found satisfactory at all, therefore, it has been rejected in toto. Thus, it is submitted by the respondents that the word used in Specification 9 is that the SDO/AEE either may reject or pay at lower rate. It is submitted that once it has been rejected, therefore, question of payment to the petitioner at a lower rate does not arise.

After hearing counsel for the parties and keeping in view the facts and circumstances of this case, much less the language used in Specification 9, I do not find any merit in this petition.

Dismissed.

August 02, 2016 **(RAKESH KUMAR JAIN)**
renu **JUDGE**

Whether Speaking/reasoned No
Whether Reportable Yes

RENU
2016.08.03 15:29
I attest to the accuracy and
authenticity of this document
Chandigarh