

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CWP No. 3522 of 2016 (O&M)
Date of decision: 14.7.2016

M/s Sikand Motors

.. Petitioner

vs

The Regional Transport Authority and another

.. Respondents

**Coram: Hon'ble Mr. Justice Rajesh Bindal
 Hon'ble Mr. Justice Harinder Singh Sidhu**

Present: Mr. Anil Ahluwalia, Advocate, for the petitioner.
 Mr. Jagmohan Bansal, Additional Advocate General, Punjab.

Rajesh Bindal, J.

CM No.7942 of 2016

The application is allowed. The reply filed on behalf of respondent No.2 is taken on record.

Main case

The petitioner has approached this Court seeking quashing of Annexure P-4 tentative draft paragraph for inclusion in the report of Comptroller and Auditor General of India for the year ending March 31, 2016 pertaining to Department of Transport. It mentions some issue regarding the petitioner. It has not been addressed to the petitioner. Still the petitioner thought it appropriate to challenge the same before the court. It is not in dispute that no demand notice as such was issued to the petitioner by the authority to pay the amount. Audit objection raised by the Comptroller and Auditor General of India was internal matter in the Government, which may have to be replied to by the concerned department. Hence, it cannot be opined that the petitioner had any cause of action to approach this Court impugning Annexure P-4. The writ petition is pre-mature.

In terms of the interim order passed by this Court on 2.3.2016, the petitioner deposited a sum of ₹ 5,33,176/-, as was referred to in audit objection treating the same as recovery notice. As undisputedly no recovery notice was issued to the petitioner, Annexure P-4, quashing of which has been prayed for is merely an audit objection, the respondents are directed to refund the amount deposited by the petitioner in terms of the interim order passed by this Court as referred to above.

As this court has not opined on the merits of the controversy, the demand, if any, raised by the State in future shall be examined on merits.

The petition stands disposed of, accordingly.

(Rajesh Bindal)
Judge

(Harinder Singh Sidhu)
Judge

14.7.2016

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