

In the High Court of Punjab and Haryana at Chandigarh

**C.W.P. No. 3760 of 2016
Date of Decision: March 18, 2016**

M/s Beyond Imagination

... Petitioner

Versus

State of Haryana and others

... Respondents

**CORAM: HON'BLE MR. JUSTICE PARAMJEET SINGH
DHALIWAL**

Present: Mr.Anurag Chopra, Advocate,
for the petitioner.

Paramjeet Singh Dhaliwal, J. (Oral)

Instant writ petition has been filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of mandamus directing the respondents to release the outstanding payment payable to the petitioner on account of satisfactory completion of the “Olympics Best of Luck India Campaign” and the “Best of Luck India Road Show and Online Campaign” conceptualized by respondent no.2, along with interest at the rate of 18% per annum from the date of submission of the formal invoice(s) dated 28.07.2012 till the date of realization on account of the acceptance of the lowest bid submitted by the petitioner.

Further a prayer has also been made by the petitioner in this petition that order dated 21.10.2014 (Annexure P/14) passed by respondent no.3 – Director General, Department of Sports & Youth Affairs, Haryana, declining the claim of the petitioner for payment of balance amount over and above the amount paid vide settling the invoice(s) dated 28.07.2012 is

against law and facts.

I have heard learned counsel for the petitioner and perused the record.

The fact remains that some works have been done by the petitioner at the instance of respondents. There is a dispute regarding payment which is yet to be paid to the petitioner. Thus, issue involved is based on facts. Such disputed questions of facts cannot be appreciated in exercise of extra ordinary jurisdiction under Article 226 of the Constitution. Proper remedy for the same lies before the civil court by way of civil suit or before any other authority in accordance with law.

After considering the notice, the Director General, Sports and Youth Affairs Department, Haryana vide order dated 21.10.2014 (Annexure P/14), has passed the following order:-

“After careful analysis of the factual matrix of the case and in view of the above mentioned discussion, I am of the considered vide that no further amount is payable to the Firm and its representations dated 10.1.2013, 30.1.2013, 12.4.2013 and the legal notice dated 12.2.2014 are without any merit and the same are hereby rejected. A copy of this order may be supplied to the Firm and all concerned.”

The perusal of above order reveals that no further amount is payable to the petitioner. Thus, serious disputed questions of facts are involved in the present case as to whether full and final payment as per the contract between the parties has been made or not. So, seriously disputed questions can not be decided in a writ petition. The work done and payment received by the petitioner is required to be proved by leading evidence. The

same can be determined on appreciation of evidence.

In view of the above, this Court is not inclined to exercise its discretionary jurisdiction.

Dismissed. However, petitioner will be at liberty to approach the appropriate authority including civil court and make claims in accordance with law.

March 18, 2016
vkd

[Paramjeet Singh Dhaliwal]
Judge