

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

LPA No. 1429 of 2016 (O&M)

Date of Decision : 17.08.2016

Haryana Vidyut Prasaran Nigam Ltd.
and others

....Appellants

Versus

Era Infra Engineering Ltd.

....Respondent

CORAM : HON'BLE MR.JUSTICE MAHESH GROVER
HON'BLE MR.JUSTICE DR.SHEKHER DHAWAN

Present: Mr. Lokesh Sinhal, Advocate
for the appellants.

MAHESH GROVER, J.

This appeal is directed against the judgment of the learned
Single Judge dated 28.04.2016.

The writ petitioner had approached this Court questioning the deductions/recovery of liquidated damages from other accounts which challenge the learned Single Judge has accepted by relying upon the judgment dated 09.10.2012 passed in **CWP No.13285 of 2012** titled as “*SECL Industries Limited (Formerly known as Singla Engineers and Contractors Pvt.Ltd.) v. The State of Haryana and others*” where it was observed that “what follows from the aforesaid is, merely by imposing penalty/liquidated damages, the respondents cannot be allowed to recover the same from other contracts being executed.” It is further observed therein that “matter would have been different, if adjustment of this amount was made from the same contract.”

The fact that the amount of liquidated damages was sought to be recovered from other accounts of the consumer has not been contradicted and neither any useful argument has been advanced to substantiate a view contrary to the one evidenced in the reasoning of the learned Single Judge.

Prayer has been made that since the writ petitioner was in a joint venture with another stakeholder, the writ petition without impleading or arraigning the other stakeholder of the joint venture as a party was not maintainable at all and thus not answerable in the way done by the learned Single Judge is also without merit.

We do not accept this argument for the simple reason that no objection at any stage was raised in this regard by the appellants before the writ court.

Consequently, we find the present appeal to be totally without any merit and dismiss the same particularly when it is also hit by a delay of 56 days which largely has not been explained satisfactorily.

(MAHESH GROVER)
JUDGE

17.08.2016
dss

(SHEKHER DHAWAN)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No