

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No.23301 of 2017
Date of decision:10.10.2017

Confident Dental Equipments Ltd. ...Petitioner

Versus

State of Punjab and others ...Respondents

Coram: Hon'ble Mr. Justice Rakesh Kumar Jain

Present: Mr. G.S.Dhillon, Advocate,
for the petitioner.

Rakesh Kumar Jain, J. (Oral)

The petitioner has challenged the recovery letter dated 10.08.2016 whereby it has been asked to pay an amount of ₹21,32,556/-.

Counsel for the petitioner submits that the respondents have claimed the liquidated damages which could have been charged only till the date of delivery of goods and not till the date of installation thereof. He further submits that the petitioner has to recover the amount from the respondents which is more than the amount being claimed by the respondents. He also submits that in the tender document, there is no provision for referring the matter to the Arbitrator.

Be that as it may, after hearing learned counsel for the petitioner, I have found that it is a case where oral as well as documentary evidence is required to prove as to who is at fault and whether the respondents can invoke the provisions contained in the clause of liquidated damages against the petitioner and whether the petitioner is entitled to recover the amount from the respondents, as stated.

All these issues can be decided in the Civil Suit, therefore, the petitioner may, if so advised, avail its remedy of filing Civil Suit but insofar as the present petition is concerned, the same is hereby dismissed as not maintainable.

October 10, 2017
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(Rakesh Kumar Jain)
Judge

Whether speaking / reasoned : Yes/No

Whether reportable : Yes/No