IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

R.A.No.219 of 2017 in
C.W.P.No.4182 of 2017
Date of Decision: April 21, 2017

Welspun Enterprises Limited, Gujrat

...Applicant/petitioner

Versus

Indian Oil Corporation Limited, New Delhi & others

...Non-applicant/Respondents

CORAM: HON'BLE MR.JUSTICE AMIT RAWAL, JUDGE

Present: Mr.Gurmohan Singh, Bedi, Advocate,
for the applicant-petitioner.

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AMIT RAWAL, J.

The present review application has been filed for seeking clarification/modification of the order dated 7.4.2017 on the premise that while allowing the writ petition, this Court had directed respondent No.1 to make the payments of the amount as indicated in the representations, Annexures P-23 and P-24.

It has been submitted by Mr.Gurmohan Singh Bedi, learned counsel for the applicant-petitioner that representations Annexures P-23 and P-24 contain entire outstanding amount, including 10% deduction. In fact, the respondents have withheld the payment of additional amount and deducted 10% of the amount and the figure of 10% amount is Rs.16,10,28,232/- along with 9% interest. He has further submitted that with regard to the remaining amount, appropriate direction may be issued to respondent No.1 as respondent No.1 is using the internal rules, policy and guidelines for resorting the claims of various contractors.

I have heard the learned counsel for the applicant-petitioner, appraised the paper book and is in agreement with the fact that representations dated 24.8.2016 and 14.2.2017 (Annexures P-23 and P-24) contain the comprehensive figure, including 10% deduction.

Resultantly, the operative part of the order is modified to the extent that respondent No.1 is directed to release the amount of Rs.16,10,28,232/-, i.e., the amount withheld by respondent No.1 towards deduction along with 9% interest per annum. The penultimate paragraph reads as under:-

> "Resultantly, the stand of the respondents in the written statement and as well as the letters, particularly letter dated 4.11.2016, is thus not tenable and not justified in law. The same in my view is opaque and against the doctrine akin to legitimate expectation. Thus, in terms of the observations given in Godavari Sugar Mills Ltd. (supra), **a direction is issued to respondent No.1 to release the amount of Rs.16,10,28,232/-, i.e., the amount withheld by respondent No.1 towards deduction along with 9% interest per annum."**

As regards rest of the claim as contained in representations, Annexures P-23 and P-24, the same is referred to be settled by respondent No.1 as per the internal rules, policy and guidelines.

Application stands disposed of.

April 21, 2017 **(AMIT RAWAL)**
ramesh **JUDGE**

Whether speaking/reasoned **Yes/No**

Whether Reportable: **Yes/No**

Ramesh Kumar
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I attest to the accuracy and
integrity of this document