

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

COC-3140-2017

Date of decision: 14.05.2018

Lalit Kumar Contractor

.... Petitioner

V/s

A.S. Miglani and ors.

..Respondent(s)

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. TPS Makkar, Advocate, for the petitioner.

Ms. Anu Chatrath, Addl.A.G., Punjab.

Rajan Gupta, J. (Oral)

Learned State counsel has referred to Para 5 of affidavit dated 05.12.2017. Same reads as under:-

“That it is pertinent to mention here that in the speaking order dated 13.10.2017, the gross amount payable to petitioner qua work done at Serial No.2 (iv) was inadvertently mentioned as Rs.66,27,597/-, whereas the said amount pertain to the work done at Serial No.2(vi) and similarly, amount of Rs.35,16,095/- inadvertently mentioned at Serial No.2 (vi) pertain to the work done at Serial No.2(iv) and in order to rectify the said error, a revised speaking order bearing No.3871, dated 22.11.2017 has been passed in continuation of the above said speaking order No.3241-47, dated 13.10.2017. In the revised speaking order, it has been specifically mentioned that out of the remaining amount of Rs.5,01,383/- qua the work done by petitioner at Serial No.2(i) above, a sum of Rs.3,90,000/- towards the cost of the material on account of dismantling of store and removal of tree by petitioner has been recovered/adjusted from him vide office Letter No.4482/116-A, dated 21.02.2017 of the office of Executive Engineer, Harike Canal Division, Ferozepur and the remaining amount of Rs.71,272/- has been finalized and is being released to the petitioner vide proper cheque. Similarly, regarding work at Sr. No.2(iv) above, full and final payment of Rs.20,21,677/- has been made to the petitioner vide

Cheque No.545082, dated 03.11.2017. Regarding work at Sr. No.2 (vii) which is wrongly repeated in representation doated 19.05.2017 (Annexure P-7) filed by the petitioner, it has been clarified in the revised speaking order that in fact, on 12.04.2017, work of estimate of repairing Wing Wall, Divide Wall, Abutment and Damaged Slopes U/S&D/S of Harike Head Works was allotted to petitioner vide work Order No.1178, dated 12.04.2017. The said work was allotted to petitioner after obtaining approval/sanction from the Chief Engineer, Canal vide No.3044-47, dated 03.04.2017 for Rs.12.00 Lac. Since it was a hidden work based on the side condition during the closure, the then scope of the work on the methodology adopted for this work had changed, which resulted inexorbitant increase in cost of this work to Rs.43,00,000/- approximately, subject to the sanction of competent authority. Keeping in view the increase in the cost, methodology and scope of work, revised requisite sanction is being sought from competent authority and the payment due to the petitioner will be made thereafter. The security amount will be released after completion of defect Liability period as mentioned in the work order. The true copy of the revised speaking order dated 22.11.2017 is annexed herewith as Annexure R-2.

A query has been put to learned State counsel as to how much time the enquiry proceedings shall take to conclude. She, however, submits that the enquiry being with the Vigilance Bureau, Punjab, it would not be possible to specify the time-limit. However, efforts shall be made to conclude the same expeditiously.

In view of the above, present petition is hereby disposed of. Petitioner shall, however, be at liberty to file afresh in case enquiry proceedings do not conclude within a period of four months.

May 14, 2018
sukhpreet

(RAJAN GUPTA)
JUDGE

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