

COC-880-2018

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

COC-880-2018

Date of Decision: October 23, 2018

M/s Kohli Builders, Sri Muktsar Sahib

...Petitioner

Versus

Ms. Jaspreet Kaur Talwar & others

...Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASI

Present: Mr. R.K. Gurdhar, Advocate,
for the petitioner.

Mr. Aditya Sharda, AAG, Punjab.

AUGUSTINE GEORGE MASI, J. (ORAL)

An affidavit of the Executive Engineer Water Supply and Sanitation, Division No.2, Sri Muktsar Sahib, dated 22.10.2018, has been filed in Court, which is taken on record. According to the said affidavit, an amount of ₹ 10,17,901/- has been deducted as recovery of amount payable to BSNL for causing damage to its property while executing the work in compliance with the order dated 02.05.2016 passed by the Additional District Judge, Sri Muktsar Sahib, in CA No.205 of 2015. Rest of the amount as detailed in the affidavit has been released to the petitioner i.e. ₹ 5,56,370/-.

Counsel for the petitioner states that this deduction from the bills of the petitioner is not sustainable as the work which was the subject matter of the appeal before the District Judge was a different work and has nothing to do with the present claim which has been projected by the

COCp-880-2018

petitioner for a separate work carried out. He further asserts that there is no direction issued by the learned Appellate Court for deduction to be effected from the petitioner, rather going by the decree, it would be the liability, which is joint and several.

Be that as it may, in view of the affidavit which has been filed by the respondents, the present contempt petition is disposed of as infructuous. Liberty is, however, granted to the petitioner to avail of its remedy in accordance with law with regard to the alleged illegal deduction of an amount of ₹ 10,17,901/- by the respondent.

Rule issued to the respondents stands discharged.

October 23, 2018
Harish

(AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No