

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

CWP-12067 of 2016 (O&M)

Date of decision: 04.12.2018

Haryana Waqf Board Ambala Cantt.

...Petitioner(s)

Versus

State of Haryana and others

...Respondent(s)

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Mr. G.N. Malik, Advocate for the petitioner(s).

Mr. Sanjay Kumar Saini, AAG, Haryana.

Mr. Deepak Balyan, Advocate for respondent No.4
assisted by Sh. Ashok Kumar, Executive Officer and
Sh. Raj Kumar Sharma, M.E., M.C. Kaithal.

Jitendra Chauhan, J. (Oral)

The petitioner seeks issuance of directions to the respondents to execute the construction of official building of the petitioner as amount of Rs.25,90,000/- has already paid to respondent No.4 on 23.04.2012.

Heard.

On 21.11.2018, the following order was passed:-

“An amount of Rs.25,90,000/- was paid to respondent No.4 on 23.04.2012 for construction of the office of the petitioner. The total estimated cost of the construction was assessed at Rs.46 lakh in the year 2012. Till date, except referring the matter to respondent No.2 as reflected in letter dated 13.10.2017 (Annexure R-1), no steps have been taken by the respondent No.4 to implement the agreement.

Post again on 03.12.2018.

Learned counsel for respondent No.4 is to explain as to

why escalation cost on account of delay in not executing the agreement be not recovered from respondent No.4 and further to seek instructions whether respondent No.4 is ready and willing to pay the amount at the prevailing rate of interest along with escalation cost, damages and expenses of litigation.

Reply, if any, by the remaining respondents be filed in the meantime.”

Pursuant to the order passed, an affidavit of respondent No.4 has been filed in Court is taken on record. As per affidavit, respondent No.4 shall construct the building in issue at the cost reflected in communication dated 07.03.2012 (Annexure P-1) sent to the petitioner by respondent No.4 and settled between the parties within eight months from the date of physical possession of the plot in question by the petitioner.

The petitioner undertakes to repay the remaining agreed amount within one month of the commencement of the construction.

In view of the consensus reached, the present petition is disposed of.

04.12.2018

sumit.k

(JITENDRA CHAUHAN)
JUDGE

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