

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No.19752 of 2018
Date of Decision:09.08.2018

The Shiv Gangay Contractor

..... Petitioner

Vs.

State of Haryana and others

..... Respondents

CORAM: HON'BLE MR.JUSTICE RAKESH KUMAR JAIN

Present: - Mr.Satish Chaudhary, Advocate,
for the petitioner.

RAKESH KUMAR JAIN, J.

The petitioner has challenged the notices dated 6.6.2018 and 21.6.2018 by which it has been asked to pay penalty of ₹1,84,941/- along with 18% interest within a period of 30 days and has also been informed that otherwise a suit for recovery of the said amount will be filed against it.

In brief, the petitioner was allotted the work of construction of Link Road Badoli to Sultanpur above surfacing (ID -7621) for an amount of ₹15,63,345/- on 31.8.2016 with subsequent undertaking dated 27.9.2016 to complete the work within three months from the date of issuance of allotment letter. Thereafter, the petitioner was asked vide letter dated 15.12.2016 to execute agreement on Non-Judicial Stamp paper and submit the bank guarantee. The petitioner has allegedly asked for extension of time or to rescind the contract on medical ground but he received a letter dated 12.4.2017 for initiation of action against it under Clause II of the agreement and for imposition of penalty of compensation of ₹1,56,334/- vide office memo dated 8.2.2017. The petitioner filed CWP No.27677 of 2017 which

respondent No.4 asking it to file the appeal before respondent No.3. The petitioner was thereafter, served with the impugned notices for recovery of the amount of ₹1,56,334/-, in terms of Clause II of the Agreement of an amount of ₹1,84,941/- on the ground that it did not complete the work within the stipulated time and the said notice dated 6.6.2018 was repeated on 21.6.2018.

In the present writ petition, the petitioner has mentioned the facts from para Nos.1 to 10 and in para No.11, it is averred that the action of respondent No.4 is illegal. Nothing has been mentioned in the writ petition as to how the action of respondent No.4, in issuing the impugned notices, is illegal. There is no provision of law mentioned in the entire petition on the basis of which the petitioner may claim that the impugned notices are illegal and this Court may declare them as such. All that has been stated in the petition are the facts and then suddenly the petition comes to an end without there being any challenge to the impugned notices on the basis of the provisions of law.

Thus in view thereof, in the absence of any illegality having been shown in the impugned notices, there is hardly any scope for interference in this petition.

Dismissed.

09.08.2018

Vivek

(RAKESH KUMAR JAIN)
JUDGE

Whether speaking /reasoned : *Yes/No*

Whether Reportable : *Yes/No*