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

CWP-11131-2017

Date of Decision: May 15, 2019

Tirath Singh

... Petitioner

vs.

State of Haryana and Ors

.. Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. Pankaj Dhingra, Advocate for
Mr. R.K.Chaudhary, Advocate,
for the petitioner.

Mr. Sunil Kumar Vashisth, Deputy Advocate General, Haryana.

Mr. Kuldeep Tiwari, Advocate,
for respondent No.4-MC.

ARUN MONGA, J.(ORAL)

Learned counsel for the petitioner submits that fee bills amounting to Rs.5, 53,000/-, as detailed in Annexure P-6, were submitted for remittance to respondent No.4-Municipal Council, Thanesar, Kurukshetra.

2. Pursuant to the orders of this Court, learned counsel appearing for respondent No.4-Municipal Council points out that an amount of Rs.4,89,900/- including TDS has already been remitted to the petitioner, during the pendency of the writ petition. Regarding balance amount, learned counsel further submits that some of the bills were found to be beyond the prescribed fee as per the payment of the fee norms applicable to the Municipal Council.

3. Learned counsel for respondent No.4 further submits that as per the norms, the petitioner ought to have raised a bill of Rs.6,600/- for certain cases, whereas, bills of rupees either Rs.11,000/- or Rs. 12,000/- have been raised. He further submits that those bills have been paid @ Rs.6,600/- and, therefore, there is a discrepancy of the amount of Rs.63,700/- which has not been remitted for

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valid reasons.

4. Learned counsel for the petitioner submits that the contentions of learned counsel for respondent No.4-Municipal Council are factually incorrect. He contends that the prescribed fee norm of Rs.6,600/- is for cases to be handled at Thanesar whereas the fee bills which have been raised are for those matters which were handled out of station by the petitioner at the relevant time viz either at Chandigarh or Panchkula and, therefore, he was entitled to higher fees.

5. I am in agreement with the submissions made by learned counsel for the petitioner.

6. Even otherwise, if the respondent-Municipal Council had any objection to the fee bill being on the higher side, it should have been raised at the first instance so as to enable the petitioner to decide whether to render his services or not.

7. Having taken advantage of the professional services of the petitioner, the respondent-Municipal Council cannot now turn around and say that he had raised the bill on higher side. That is not a tenable justification for non payment of the bills.

8. In view of my discussion and the reasons contained therein, the respondent-Municipal Council is directed to remit the balance of Rs.63,700/- within a period of two months from the date of receipt of certified copy of this order. In case the balance payment is not paid within a period of two months, the petitioner shall be entitled to a compensatory interest/penal interest @ 15 % per annum from the date the payment becomes due till the date of actual payment.

9. Disposed of.

May 15, 2019
smriti

(ARUN MONGA)
JUDGE

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