

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

CWP No. 3928 of 2016 (O&M)

Date of Decision: 24.07.2019.

M/s Combined Petro Chem

... Petitioner

Versus

Union of India

... Respondent

CORAM : Hon'ble Mr. Justice Jitendra Chauhan

Present : Mr. P.S. Rana, Advocate,
for the petitioner.

Mr. Nitin Kumar, Advocate,
for the respondent.

JITENDRA CHAUHAN.J.(ORAL)

The petitioner seeks direction to the the respondent to make payment amounting to Rs.6,48,287/- along with interest against Escalation Bill dated 22.04.2014 (Annexure P-1).

Learned counsel for the respondent states that though, the Department has prepared the Bill in question in favour of the petitioner as reflected from bill dated 22.04.2014 (Annexure P-1). However, the agreement carries the price variation clause and as per the audit report, the amount claimed cannot be released to the petitioner as is made out from the variation clause. During the course of argument, it has been pointed out that neither response to the legal notice was furnished nor the petitioner was afforded an opportunity of hearing prior to rejecting the claim of the petitioner.

In this view of the matter, the respondent is directed to look into the matter afresh and pass an appropriate order in view of the terms of agreement and what has been stated in the legal notice. Needful be done within a period of six weeks from the date of receipt of certified copy of the judgment.

24.07.2019.
SN

(JITENDRA CHAUHAN)
JUDGE

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