

S.No.102

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

CWP No.19840 of 2020 (O&M)

Date of Decision:24.11.2020

M/s Mansrovar Products & Services

.....Petitioner

Vs.

The State of Punjab and others

.....Respondents

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IN VIRTUAL COURT
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CORAM:- HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present:- Mr. Pankaj Maini, Advocate for the petitioner.

Rajbir Sehrawat, J.(Oral)

The present petition has been filed by the petitioner under Article 226/227 of the Constitution of India praying for issuance of any writ in the nature of mandamus by issuing directions to the respondents to clear the outstanding amount of the petitioner firm including the earnest money received by the respondents in the year 2016 in respect of the work order allotted to the petitioner firm on 12.04.2016 and 03.05.2016 and even after completion of work orders, the respondents have not cleared the outstanding amount of Rs.7,72,939.43/- along with interest to the petitioner- firm mentioned in the provisions of Micro Small and Medium Enterprise Development Act, 2006.

A perusal of the paper book shows that the claim involved in the present petition is pure and simple money claim, arising out of a works contract between the parties. The issue involves disputed questions of fact, which cannot be determined except by way of evidence. Therefore, the writ petition is not appropriate remedy for the same. The petitioner is having an alternate legal and efficacious remedy by way of civil suit for recovery.

Accordingly, this Court does not find it appropriate to interfere in the matter and the present petition is dismissed. However, the petitioner is at liberty to file a suit for recovery, if considered appropriate by him.

November 24, 2020

(RAJBIR SEHRAWAT)

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JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No