

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CWP-21433-2020

Date of decision: 14.12.2020

Rajinder Singh

.....Petitioner

versus

State of Haryana and others

....Respondents

CORAM: Hon'ble Mr. Justice Girish Agnihotri

Present: Mr. Rajesh Kumar Girdhar, Advocate
for the petitioner.

Ms. Palika Monga, DAG, Haryana.

GIRISH AGNIHOTRI, J. (Oral)

The matter has been taken up through video-conferencing on account of restrictions due to outbreak of pandemic COVID-19.

Petitioner-Rajinder Singh Contractor, stated to be aged 54 years, has filed the present petition *inter alia* with a prayer for issuance of a writ in the nature of mandamus directing the respondents especially respondent No.3, to decide the claim of the petitioner as per Clause 23.1 of the Conditions of Contract and to pay the due amount to the petitioner qua the work of Rehabilitation of New Ding Minor with Pipe Line Channel from RD 0-27600 Tail off taking at RD 246650-R Fatehabad Branch.

Learned counsel for the petitioner, by making reference to the pleadings in the petition, submits that the petitioner had submitted his bid for the work of Rehabilitation of New Ding Minor with Pipe Line Channel from RD 0-27600 Tail off taking at RD 246650-R Fatehabad Branch for an amount of Rs.4,03,85,295/-. Thereafter on 13.09.2019, an agreement deed was executed between the petitioner and the respondent No.4. Learned counsel then submits that various facts have been mentioned in the petition as well as in the notice dated 21.09.2020 (Annexure P-9) served upon by the

petitioner upon respondent No.3 i.e The Superintending Engineer, Bhakhra Water Services Circle (Bhodia Khera), Fatehabad. He however submits that prior to this, he had submitted representations to respondent No.4 on 14.02.2020 and 08.05.2020 (Annexures P-7 & P-8 respectively).

Notice of motion.

On asking of the Court, Ms. Palika Monga, DAG, Haryana, accepts notice on behalf of the State. It is further informed by State counsel that in fact, respondent No.2 i.e. The Chief Engineer, Bhakhra Water Services, Haryana, Sinchai Bhawan, Sector-5, Panchkula, would be Competent Authority in terms of Clause 23.1 of the Conditions of contract.

In view of the above, the present writ petition is disposed of with a direction to the petitioner to submit a fresh representation to respondent No.2. In the above circumstances, respondent No.2 is directed to decide the said representation in accordance with law and the claims put forth by the petitioner in the representation, be settled within a period of three months from the date of receipt of said representation, by passing a speaking order.

A copy of this order be sent to the Competent Authority, by the Registry through e-mail or any other mode, so as to enable the said authority to do the needful expeditiously.

Ordered accordingly.

(GIRISH AGNIHOTRI)
JUDGE

14.12.2020

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Whether speaking/ reasoned:

Yes/No

Whether Reportable:

Yes/No