

CM No. 17545-CWP of 2021 in/and
CWP No. 7137 of 2020

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

CM No. 17545-CWP of 2021 in/and
CWP No. 7137 of 2020
Date of Decision: 26.11.2021

Karan Singh Punia

-Petitioner

Versus

State of Haryana and others

-Respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Deepak Singh Saini, Advocate,
for the petitioner.

RAJ MOHAN SINGH, J. (Oral)
CM No. 17545-CWP of 2021

This is an application under Section 151 CPC for preponing the date of hearing from 08.03.2022 to some early actual date on the ground that after filing of the present writ petition on 16.03.2020, the date of hearing in the present case could not be matured and the same was adjourned repeatedly due to prevailing circumstances arising out of pandemic COVID-19.

Prayer in the main case relates to issuance of an appropriate writ in the nature of mandamus directing the respondents to release an amount of Rs.3,30,149/- which has been illegally deducted by respondent No.3 while making payment to the petitioner.

Learned counsel for the petitioner submits that work of rehabilitation of Barwala Branch was allocated to the petitioner vide agreement dated 17.04.2012. Thereafter, one supplementary agreement was also executed on 28.05.2013 for a sum of Rs.1,21,01,730/- between the petitioner and respondent No.3. Petitioner has already completed the work within two closures of 16 days each in April and October, 2012.

After completion of work to the satisfaction of the respondents, the petitioner submitted his final bill on 17.05.2014 to respondent No.3. Respondent No.3 illegally deducted double lip cutting amounting to Rs.3,30,149/-.

Learned counsel further submits that work was fully executed as per specifications and requirements of the respondents within the stipulated period and there was no occasion for the respondents to deduct the amount in question by applying double lip cutting method, particularly when the default liability period had also expired.

Precisely for the grievance in question, petitioner has also approached respondents by way of legal notice dated 25.07.2017. Even an application was also moved by the petitioner before Haryana Micro and Small Enterprises Facilitation Council at Chandigarh on 03.10.2019, but the same have not been entertained by the respondents.

At this stage, learned counsel submits that the petitioner would be satisfied in case his pending representations in the form of legal notice and application filed before MSME are ordered to be decided in accordance with law.

In view of aforesaid facts, the date of hearing is preponed and the main case is taken up today.

Main case

Notice of motion.

On the asking of the Court, Mr. Raj Karan Singh Brar, Addl. A.G., Haryana accepts notice on behalf of State of Haryana.

In view of nature of prayer made, there is no necessity of calling upon any response from the respondents at this stage, as no prejudicial to the interest of any party is being passed.

This petition is disposed with a direction to respondent No.3 to take note of the pending representations of the petitioner and decide the same in accordance with law, preferably within a period of one month from the date of receipt of certified copy of this order.

26.11.2021

Jyoti Sharma

(RAJ MOHAN SINGH)
JUDGE

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