

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

CWP No. 19591 of 2021

Date of Decision: September 28, 2021

EPAY INFOSERVE PRIVATE LTD.

.... Petitioner(s)

Versus

STATE OF HARYANA AND OTHERS

..... Respondent(s)

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Rajesh Bansal, Advocate
for the petitioner.

Mr. Ashish Yadav, Addl. A.G., Haryana.

LISA GILL, J.(oral)

This matter is being taken up for hearing through video conferencing due to the outbreak of pandemic, COVID-19.

Prayer in this writ petition is for quashing communication dated 29.09.2018 (Annexure P-4), passed by the Financial Advisor/Head Quarter, Dakshin Haryana Bijli Vitran Nigam, Vidyut Sadan, Vidyut Nagar, Hisar, Haryana, whereby it is stated that DHBVN management has decided not to extend the arrangements made with the petitioner in terms of letter of intent dated 22.09.2017 beyond 30th September, 2018.

Heard.

Letter of intent for collection of energy bills from the Nigam's consumers in urban and rural areas under all 'OP' circles of DHBVN was

issued to the petitioner without exclusivity for one year w.e.f. 01.10.2017 to 30.09.2018. Thereafter, impugned communication dated 29.09.2018 was issued. It is submitted that petitioner had worked with utmost honesty and sincerity and no complaint has been received against the petitioner. Therefore, there is no reason for not extending the arrangements and that work has not been resumed without any justification. Moreover, amount due towards the petitioner has not been released. In this respect, petitioner ultimately served legal notice dated 15.04.2021 (Annexure P12), in reply to which respondents reverted on 26.08.2021. Apart from taking a specific stand that the contract stood expired on 30.09.2018, respondents have raised certain shortcomings on the part of the petitioner.

Though, learned counsel for the petitioner submits that a totally illogical and incorrect stand has been taken by the respondents in their reply to the legal notice, perusal of reply dated 26.08.2021 (Annexure P15) to the legal notice dated 15.04.2021 served by the petitioner reveals that disputed questions of fact are involved in this matter, which does not call for interference by this Court in exercise of jurisdiction under Article 226 of the Constitution of India. Petitioner, needless to say, is at liberty to avail the remedy/remedies as available to him in accordance with law.

Writ petition is accordingly disposed of.

September 28, 2021

Sunil

**(Lisa Gill)
Judge**

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