

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

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CWP-19610-2020

Decided on : 10.02.2021

M/s Jai Jyoti Electricals

... Petitioner

Versus

State of Haryana & others

... Respondents

CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA

Present: Mr.I.S.Pabla, Advocate, for the petitioner.

Mr.Shivendra Swaroop, AAG, Haryana, for respondents No.1, 2 & 6.

Mr.Sandeep Moudgil, Advocate, for respondents No.3 to 5.
(The proceedings are being conducted through video conferencing,
as per instructions.)

G.S. Sandhawalia, J. (Oral)

Prayer in the present writ petition, filed under Articles 226/227 of the Constitution of India is for issuance of direction to the respondents to release the bills/payment qua the work order no.95/E/MCK dated 08.03.2019 (Annexure P-2) as pursuant to completion of the allotted work on 07.03.2020, respondents are not releasing the payment. Further direction is prayed for release of the amount of Rs.31,74,092/- along with interest @ 24% and security deposit by the petitioner.

Mr.Moudgil, appearing on behalf of respondent-Corporation submits that the Commissioner of the said Corporation has passed order dated 08.02.2021 and in principal, directed that a sum of Rs.29,56,656/- be released to the petitioner, after deducting the charges relating to the non-submission of documents by the Contractor. Thus, a deduction of Rs.50,000/- has also been made. He further submits that other payments have also been directed to be released to the petitioner as another writ petition bearing CWP-19593-2020 had also been filed by him and an order has been passed by a Co-ordinate Bench of this Court on 18.11.2020.

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Relevant part of the order dated 08.02.2021 reads as under:

“(C) It is also bring to the notice that M/s Jyoti Electricals has also filed CWP No.19610 of 2020 in the Hon'ble High Court which is pending for 10.02.2021. The said writ petition is with regard to the payment of the work order no.95/E/MCK dated 08.03.2019 for maintenance & operation of SW/RCC Pipe Sewer, brick circular swear, storm water drain of Karnal town (Railway road included north area under Municipal Corporation area and area start from Railway Station to Sandhu Colony and all other works contingent thereof for period of one year. The work pertaining to this writ petition is connected with the work involved in CWP No.19593 of 2020 titled as M/s Jai Jyoti Electricals and CWP No.19559 of 2020 M/s Shankuntlam Electrocure v/s State of Haryana and others, Commissioner, Municipal Corporation, Karnal and on the basis of above conclusion and record entries entered by Sh.Rajesh Chokkar, the then J.E and verified by Sh. Ashok Taneja, the then S.D.E, the work executed by the agency M/s Jai Jyoti Electricals was satisfactory and accordingly it is recommended that the payment of Rs.29,56,656/- may be made to the agency of M/s Jai Jyoti Electricals in context of work after deduction of charges related to the non submission of documents by the contractor. It is proposed that the deductions of Rs.50,000/- be made. So the final payment of Rs.29,06,656/- may be released to M/s Jai Jyoti Electricals.

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C. M/s Jyoti Electricals has also filed CWP No. 19610 of 2020 in the Hon'ble High Court which is pending for 10.02.2021. The said writ petition is with regard to the payment of the work order no.95/E/MCK dated 08.03.2019 for maintenance & operation of SW/RCC Pipe Sewer, brick circular swear, storm water drain of Karnal town (Railway road included north area under Municipal Corporation area and area start from Railway Station to Sandhu Colony and all other works contingent thereof for period of one

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year. The payment of Rs.29,06,656/- be released to M/s Jai Jyoti Electricals and accordingly the reply in the Hon'ble High Court shall be filed.”

Accordingly, keeping in view the above, the present writ petition is disposed of and it is directed that the Corporation shall release the said amount within a period of two weeks from today as undertaken by Mr.Moudgil. For the balance amount, it is open to the petitioner to file required documents in support of his claim and it is also open to him to file representation for the interest element for the delayed payment.

FEBRUARY 10, 2021

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**(G.S. SANDHAWALIA)
JUDGE**

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No