

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

238

**CWP No. 3356 of 2020
Date of decision :24.11.2022**

Raj Kumar Malik

.....Petitioner

Versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present: Mr. Dinesh Saini, Advocate for the petitioner.

Mr. Vivek Chauhan, Addl. AG Haryana.

Mr. Ashish Yadav, Advocate for respondent Nos. 2 to 4.

VINOD S. BHARDWAJ, J. (ORAL)

The instant writ petition has been filed under Articles 226/227 of the Constitution of India seeking quashing of order dated 09.10.2019 (Annexure P-5) vide which an amount of Rs. 15,11,391/- has been ordered to be withheld.

Response on behalf of respondent Nos. 2 to 4 has been filed wherein it has been averred that the order of withholding the amount has rightly been passed on the basis of inquiry regarding the work of construction of the Link Road from village Jalalpur to Chhajpur Khurd, District Panipat was conducted. The aforesaid work commenced on 25.05.2011 and was completed on 18.05.2014 as against the scheduled date of completion i.e. 24.01.2012. Resultantly, the Marketing Board itself suffered a loss on account of late execution of work. Besides, there was a poor quality of work done by the petitioner-society and a total loss of Rs. 15,11,391/- was suffered by the respondent.

Taking into consideration, the response of the respondent-Haryana State Agriculture Marketing Board, disputed question of fact emanates in the present petition. The same cannot be adjudicated upon in a writ jurisdiction.

In view of the above, learned counsel appearing on behalf of the petitioner seeks permission to withdraw the present petition so as to take recourse to the alternative remedies in accordance with law.

Disposed of as withdrawn with liberty as aforesaid.

November 24, 2022

Rajeev (rvs)

(VINOD S. BHARDWAJ)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No