

CWP-15543-2020

Date of decision : 09.11.2022

M/S P P ENTERPRISES

.....PETITIONER

VERSUS

STATE OF PUNJAB AND ANOTHER

.....RESPONDENTS

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

Present: Mr. Varun Sharma, Advocate for
Mr. Raman Sharma, Advocate
for the petitioner.

Ms. Niharika Sharma, AAG, Punjab.

Ms. Anu Chatrath, Sr. Advocate with
Ms. Nishant Maini, Advocate
for respondent No. 2.

VINOD S. BHARDWAJ, J (ORAL)

The present writ petition under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of Mandamus seeking direction to declare inaction on the part of respondents not by releasing the entire dues of the petitioner as illegal and arbitrary. Further, a prayer for issuance of writ in the nature of Mandamus for the respondents to release the due amount payable to the petitioner alongwith the interest @ 18% per annum has been made.

An additional affidavit of Parbodh Kumar Bhatia, Executive Officer, Improvement Trust, Rupnagar, has been filed on behalf of respondent No.2 in Court today. A copy thereof has been handed over to the learned counsel for the petitioner. It is specifically averred in the aforesaid additional affidavit that the petitioner had submitted a claim for release of Rs.3,45,15,347/- and interest @ 12%. The same was duly examined by the respondents and was found

untenable in view of the report submitted by the Enquiry Officer. An amount of Rs.50.00 Lakhs has been released to the petitioner vide the cheque No.039728 dated 31.03.2021 and the final amount of Rs.33,55,889/- was released vide cheque No.039740 dated 04.05.2021 after making deductions as per the recommendations and letter No. LG/CVO-2021/1300 dated 06.04.2021. It is further averred that petitioner had invoked arbitration vide reference No.2021-22/217 dated 16.09.2021 and has already filed Proceedings Bearing No.ARB-244-2022 titled as '*M/s P.P. Enterprises Vs. State of Punjab & Ors.*' and the same is pending for 08.12.2022 after issuance of notice.

In view of the above and taking into consideration that the disputed questions of fact are involved, where arbitration has already been invoked by the petitioner, the present petition is disposed of as withdrawn with liberty to the petitioner to take recourse to the alternative remedies available to him in accordance with law.

Disposed of accordingly.

(VINOD S. BHARDWAJ)
JUDGE

09 November, 2022

Monika

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>