

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

210

**CWP-22729-2017
Date of Decision: 14.11.2022**

PARMANAND SINGH

... Petitioner

VERSUS

INDIAN OIL CORPORATION LTD. AND ORS

... Respondents

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

Present: Mr. Sandeep Singh, Advocate
for the petitioner.

VINOD S. BHARDWAJ, J. (ORAL)

The present writ petition has been filed under Articles 226/227 of the Constitution of India, 1950 seeking issuance of a writ in the nature of Mandamus directing the respondent No.1- Indian Oil Corporation Ltd. to release the payment of Rs.26,02,565.50/- alongwith interest from the due date i.e. 25.01.2017.

Learned counsel for the petitioner contends that the petitioner had undertaken several works for the respondents and had laid down the pipe lines for the supply of crude petroleum. However, some miscreants tried to remove the crude oil by clandestine interception of the pipelines. In their said attempt, the pipe line was fissured resulting in spillage of the oil in the fields and thus causing damage to the land owner. The crop of the land owner was completely destroyed. The petitioner was also granted the contract for lifting the affected soil and to fill the same with fresh soil. The petitioner claims to have completed the said work within the prescribed time frame as per the contract, however, the payment for the said work was not released despite submission of the final bill dated 25.01.2017.

The written statement on behalf of the respondent No.1 to 3 has already been filed, as per which, a preliminary objection has been taken that the petitioner has an alternative and efficacious remedy of filing a suit for

damages for breach of contract before the Civil Court. It is contended on merits that there were defects in the due and proper execution of the work in question.

Learned counsel for the petitioner, however, contends that he would be satisfied at this juncture in case the Maintenance Manager i.e. respondent No.3 is directed to look into the legal notices Annexure P-1 and P-2 by passing a speaking order thereupon after affording an effective opportunity of hearing to the respective parties.

Taking into consideration the fact the matter has remained pending since 2017 and there is no representation on behalf of the respondents and also the fact that prayer made by the petitioner is not likely to cause any prejudice to the said respondents, I deem it appropriate to accept the same without commenting anything on the merits of the present petition or the maintainability of the claim of the petitioner.

The present petition is accordingly disposed of with a direction to the respondent No.3 to decide the legal notices Annexure P-1 and P-2 within a period of four months from the date of receipt of certified copy of this order after granting an effective opportunity of hearing to the respective parties.

Petition stands disposed of accordingly.

14.11.2022
rajender

(VINOD S. BHARDWAJ)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No