

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

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Civil Writ Petition-23193-2017

Date of decision: 28.03.2022

Sanjeev Construction Company

.....*Petitioner*

Versus

M/s Executive Engineer (Civil) and others

.....*Respondents*

Coram: Hon'ble Mr. Justice Rajbir Sehrawat

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Present: Mr. Vaibhav Narang, Advocate
for the petitioner

Mr. S S Meelu, Advocate
for respondents No. 1 and 2

Mr. Sanjay Tangri, Advocate
for respondent No. 3

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Rajbir Sehrawat, J. (Oral)

The present writ petition has been filed under Article 226 of the Constitution of India praying for issuance of writ in the nature of certiorari for setting aside/quashing letter dated 04.07.2017 (Annexure P-3) passed by the office of Inspection Engineer, Punjab Mandi Board, Amristar-respondent No. 2, whereby deduction of Rs.8,53,507.00 has been made without any opportunity of hearing. Further, prayer has been made for issuance of writ in the nature of mandamus, directing the respondents to release the amount of Rs.8,53,507.00 and to revoke the letter (Annexure P3), whereby illegally and arbitrarily the deduction has been made from the amount payable to the petitioner.

Counsel for the respondents have pointed that the letter impugned in the instant writ petition has already been set aside in the statutory appeal and the matter has been remanded to the PF Commissioner, for determination of the liability afresh; by providing opportunity of hearing to the respondent- Mandi Board, as well as, to the petitioner/contractor.

In view of the above, nothing is left to be adjudicated upon by this Court. Hence, the present writ petition is dismissed as having been rendered infructuous.

However, it is clarified that in case, the PF Commissioner passes an order in favour of the Contractor, requiring return of some money by the respondent-Mandi Board, then the said amount shall be returned to the petitioner/contractor, within a period ten days from the date of order passed by the PF Commissioner.

The parties are directed to appear before the PF Commissioner on 18.04.2022.

(Rajbir Sehrawat)
Judge

28.03.2022
Mohan Bimbura

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