

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

Sr. No.213

**RSA No.6063 of 2014
Date of Decision: 29.11.2022**

Davinder Kumar

.... Appellant

Versus

**The Executive Engineer, MHC (O&M) Division,
Hoshiarpur and others**

... Respondents

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

**Present: Mr. Rishav Jain, Advocate
for the appellant.**

None for the respondents.

TRIBHUVAN DAHIYA, J. (ORAL)

This is plaintiff's second appeal against the concurrent findings recorded by both the Courts below.

2. The facts of the case in brief are, the appellant/plaintiff filed a suit for recovery of Rs.48,300/- by pleading that he was a government contractor with the Punjab State Electricity Board, and entered into a contract with the respondent department/defendants for clearance of super passage barrel from deposited muck including area of the inlets and outlets at point R.D.30702 vide tender No.550, which was opened on 17.06.1998. Despite completion of the work, the department did not release the due amount of Rs.48,300/-, which they were liable to pay.

3. Both the Courts have concurrently held that the plaintiff has failed to prove that any work, in fact, was allotted to him. The department has specifically raised the plea that no work was ever allotted to the

appellant/plaintiff, and no work at all was done by him at the spot. The defendants' witness DW1-Inder Singh, A.E., MHC O&M, Sub Division, Ucchi Bassi, has testified to that effect, and also that there is no record in the office regarding any work having been done by the plaintiff at the spot. Accordingly, the suit was dismissed by the trial Court, and its judgment and decree was affirmed by the lower appellate Court.

4. As apparent from the concurrent findings recorded by both the Courts below, it could not be established on record that the contract in question was ever allotted to the plaintiff or any work thereupon was undertaken by him. Therefore, the very basis of filing the suit is not established.

5. In view thereof, the well-reasoned judgments of both the Courts below do not call for any interference.

6. Appeal stands dismissed.

(TRIBHUVAN DAHIYA)
JUDGE

29.11.2022
Maninder

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