

IN THE PUNJAB AND HARYANA HIGH COURT AT
CHANDIGARH

228

CWP-36379-2019
Date of Decision: 25.08.2022

JASKARAN INFRASTRUCTURE PVT LTD

... Petitioner

Versus

UNION OF INDIA AND ORS

... Respondents

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

Present: Mr. Naresh Paul Chandel, Advocate
for the petitioner.

Ms. Puneeta Sethi, Advocate-Sr. Panel Counsel
for respondent No.1- UOI.

Mr. Rajesh Gupta, Advocate
for respondents No.2 to 4.

VINOD S. BHARDWAJ, J. (ORAL)

The instant petition has been filed under Articles 226/227 of the Constitution of the India for issuance of a writ in the nature of Mandamus directing the respondents to make the payment for the work executed by the petitioner.

It has been averred in the petition that the petitioner was awarded 17 works by the respondents/Bharat Sanchar Nigam Ltd. (BSNL). The petitioner has executed the said works starting from 31.10.2017 to 07.10.2019. The details of the works executed by the petitioner are extracted hereinafter below:

Sr. No.	State	Circle	Agreement/ APO date	Agreement End Date	Tender Allotted Cost to Jaskaran	Performance Security Amount.
1.	Haryana	Gurgaon	25.10.2016	31.10.2017	189,480.00	18,948.00
2.	Haryana	Rohtak	14.06.2017	14.06.2018	503,640.00	50,364.00
3.	Haryana	Ambala	03.03.2018	02.03.2019	8,317,545.00	831,755.00

4.	Haryana	Ambala	09.03.2018	08.03.2019	850,105.00	85,010.00
5.	Haryana	Ambala	11.05.2018	10.05.2019	1,508,000.00	150,800.00
6.	UPW	Mathura	16.12.2017	05.03.2019	342,960.00	34,300.00
7.	UPW	Noida	11.05.2018	10.05.2019	964,000.00	96,400.00
8.	UTT	Dehradun	16.11.2019	15.11.2017	10,004,010.00	-
9.	Rajasthan	Jaipur	27.09.2017	26.09.2019	850,072.50	85,010.00
10.	Rajasthan	Jodhpur	08.03.2018	07.03.2019	1,301,976.00	130,197.00
11.	Rajasthan	Kota	29.08.2019	28.08.2019	2,033,323.90	203,332.00
12.	Rajasthan	Udaipur	02.06.2018	01.06.2019	7,875,148.86	787,515.00
13.	Punjab	Amritsar	31.08.2018	31.08.2019	547,740.00	54,774.00
14.	Punjab	Pathankot	07.03.2018	31.03.2019	419,760.00	-
15.	Punjab	Pathankot	01.04.2018	31.03.2019	1,510,000.00	150,200.00
16.	Punjab	Jalandhar	08.10.2018	07.10.2019	1,206,583.00	120,700.00
17.	Assam	Guwahati-Kamrup SSA	12.07.2018	11.07.2019	3,462,165.00	-

It was further averred that even though all the work had been satisfactorily executed, but despite the same, the payment found due to the petitioner had not been released. The detail of the said payment has been given in tabulated form at paragraph No.4 of the petition, totaling a sum of Rs.1,96,80,868.91/-.

The instant petition has been filed on account of non-releasing of the afore mentioned undisputed payment by the respondent-BSNL.

Learned counsel for the respondent-BSNL has made a categorical statement on instructions from AGM Legal, Circle Office, Punjab that the entire undisputed payment due to the petitioner has already been released. Learned counsel for the petitioner, however, pleads ignorance to the same.

However, taking into consideration the statement made by the learned counsel appearing on behalf of the respondent-BSNL at the Bar today, the instant petition is dismissed as not pressed at this stage.

Liberty is, however, granted to the petitioner to move an appropriate application for revival of the present petition in case the statement made by the learned counsel for the respondent-BSNL today in Court is found to be incorrect or any dispute with regard to the payment so alleged to be made still remains.

Dismissed as not pressed.

25.08.2022
rajender

(VINOD S. BHARDWAJ)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No