

IN THE PUNJAB AND HARYANA HIGH COURT AT
CHANDIGARH

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CWP-242-2019 (O&M).

Date of Decision: 10.05.2023.

RAJENDER SINGH

.. Petitioner

Versus

STATE OF HARYANA AND OTHERS

... Respondents

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

Present: Mr. Lajpat Rai Sharma, Advocate, for
Mr. Vivek Khatri, Advocate,
for the petitioner.

Mr. Pankaj Mulwani, DAG, Haryana,
for the respondents.

VINOD S. BHARDWAJ, J. (ORAL)

The instant writ petition has been filed for seeking issuance of directions to respondent No.3-Executive Engineer to release the payment of the petitioner including earnest money as well as Security for the work of “Augmentation Water Supply Scheme Karela” Constructions of Water works and all other works contingent thereto, which the petitioner claims to have been satisfactorily executed.

Written statement on behalf of respondents No.1 to 4 had been filed through Sh. Gurmeet Singh, Executive Engineer, Public Health, Engineering Division No.2, Jind, wherein it has been specifically averred that the petitioner did not carry out the allotted work with due diligence and did not complete the same despite extension of time and accordingly,

reminder and warning was also issued to the petitioner vide Memo No.15770 dated 14.09.2009 to invoke Clause 2 of the Condition of Contract for delay in completion. Since the petitioner did not resume the work, a penalty as provided under Clause 2 was imposed upon the petitioner vide Memo No.933 dated 25.01.2010. The petitioner still failed to execute the work whereupon respondents were constrained to proceed with the consequence of invocation of Clause 3 of Condition of Contract vide Memo No.3347/50 date 05.03.2010 and fresh bids were invited Vide No.1956/2016. The remaining work was completed by the subsequent contractor. It is thus averred that the amount in question is not due so as to be paid to the petitioner. Even otherwise, there was an arbitration Clause-25(A) in the agreement.

Learned counsel for the petitioner, however, disputes the action taken by the respondents-Authorities.

Be that as it may, the disputed questions of fact arise in the present case and the same cannot be gone into under writ jurisdiction.

In view of above, learned counsel for the petitioner does not press the instant petition at this stage so as to enable the petitioner to take recourse to the alternative remedies available to the petitioner, in accordance with law.

Disposed of, as not pressed, at this stage, with liberties as aforesaid.

May 10, 2023
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(VINOD S. BHARDWAJ)
JUDGE

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