

IN THE PUNJAB AND HARYANA HIGH COURT AT
CHANDIGARH

285

CWP-6574-2023

Date of Decision: 25.05.2023

M/S JARNAIL SINGH CONTRACTOR

... Petitioner

VERSUS

DISTRICT LEVEL MICRO AND SMALL FACILITATION
COUNCIL LUDHIANA AND ANOTHER

... Respondents

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

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

Ms. Komal Jit Kaur, Advocate
for respondent No.1.

Mr. Rajesh Gupta, Advocate
for respondent No.2.

VINOD S. BHARDWAJ, J. (ORAL)

The present petition has been filed for seeking issuance of directions to the respondents to release the bank guarantee No.0304ILG007714 dated 24.11.2014 (Annexure P-2) worth Rs.9,32,000/- furnished in favour of the respondents in lieu of agreement No.ENG/ GT-89/CP/32 dated 24.11.2014. At the same time, further prayer has also been made for issuance of directions to respondent No.1- District Level Micro and Small Facilitation Council, Ludhiana to decide the pending claim petition No.1343 of 2020 titled as 'M/s Jarnail Singh Contractor Versus General Manager BSNL Chandigarh' in time bound manner.

Written statement on behalf of respondent No.2 has been filed today in Court. Copy thereof has been furnished to learned counsel for the petitioner.

Learned counsel for the petitioner submits that at this juncture, he does not press his prayer for release of bank guarantee of Rs.9,32,000/- as mentioned above and would press the petition only to the extent of seeking direction to respondent No.1- District Level Micro and Small Facilitation Council, Ludhiana to decide the above mentioned claim petition in a time bound manner, more so, when the arguments in the said claim petition have already been heard.

Learned counsel appearing on behalf of respondent No.2, however, contends that the claim petition is not maintainable as the work order in question was in the nature of a work's contract and would thus not fall within the jurisdiction of the respondent No.1. He, however, does not have any objection to the petition being disposed of with a direction to respondent No.1 to decide the above mentioned pending claim petition in a time bound manner.

Taking into consideration the submissions advanced by the contesting parties and without commenting on the merits of the present petition, the same is disposed of with a direction to respondent No.1- District Level Micro and Small Facilitation Council, Ludhiana to decide the pending claim petition No.1343 of 2020 titled as 'M/s Jarnail Singh Contractor Versus General Manager BSNL Chandigarh' by passing a reasoned and speaking Order/Award in a time bound manner and preferably within a period of one and a half month from the date of receipt of certified copy of this order.

Petition stands disposed of accordingly.

25.05.2023
rajender

(VINOD S. BHARDWAJ)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No