

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

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**CWP-15851-2020
Date of Decision: 07.08.2023**

M/S POONAM TRANSPORT

... Petitioner

VERSUS

**THE HARYANA STATE FEDERATION OF CONSUMERS
COOPERATIVE WHOLE SALE STORES LIMITED & ANR.**

... Respondents

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

Present: Mr. Anurag Chopra and Ms. Seerat Saldi,
Advocates for the petitioner.

Mr. Satyam Tandon and Ms. Nisha Kanojia,
Advocates for the respondents.

VINOD S. BHARDWAJ, J. (ORAL)

Prayer in the present petition is for seeking issuance of directions to the respondents to release the payment for the work executed by the petitioner and bills submitted pursuant to the work allotted vide letter dated 14.06.2019 (Annexure P-1) for transportation of food grains within and beyond the District for Sub Division, Panipat for the period w.e.f. 01.06.2019 to 31.03.2020.

Pursuant to the notice issued in the present petition, the respondents have filed their reply wherein it has been averred that there were two transport contractors i.e. the M/s Poonam Transport i.e. the petitioner herein and as M/s Poonam Road Lines. The petitioner-M/s

Poonam Transport had been allotted the transport contract for Panipat; while M/s Poonam Road Lines had been allotted the transport contract for Sub-Division Samalkha. The rates for both the contracts were separate i.e. Rs.33/- per quintal for District Panipat and Rs.27/- per quintal for Sub-Division Samalkha, District Panipat.

Notwithstanding that the rate of Rs.27/- per quintal had been approved for Sub-Division Samalkha, the petitioner raised bills at the rate of Rs.33/- per quintal for the work executed thereunder. As a result of overlapping of the said bills, the payment in question could not be released. It has been averred that in the event of the petitioner submitting the revised bills as per the contract agreement, the same shall be processed and an appropriate decision shall be taken thereupon.

Counsel for the petitioner submits that in view of the aforesaid response, he shall submit the revised bills for the works undertaken in Panipat as well as Sub-Division Samalkha, as the case may be, at the rates approved under the respective agreements within a period of four weeks from the date of receipt of certified copy of this order and let a decision be taken thereupon by the respondents.

Counsel for the respondents has no objection to the above prayer.

Accordingly, the present writ petition is disposed of without commenting anything on the merits of the case and with the consent of the parties directing that in the event of the petitioner submitting the revised bills with the respondents in terms of the respective agreement executed between them, the respondents shall take a conscious decision thereupon,

after affording an opportunity of hearing to the respective parties and within a period of three months from the date of submission of revised bills.

Needless to mention that in the event of any amount being found payable to the petitioner, the same shall be released within a period a further period of three months thereafter.

Petition stands disposed of accordingly.

07.08.2023.
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(VINOD S. BHARDWAJ)
JUDGE

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