

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

265

CWP-19879-2021(O&M)
Date of Decision: 17.07.2023

DEEPAK JULKA AND ORS

....Petitioners

Versus

STATE OF HARYANA AND ORS

...Respondents

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

Present: None for the petitioners.

Mr. Vivek Chauhan, Addl. A.G., Haryana.

Mr. Samarth Sagar, Advocate
Mr. Sankalp Sagar, Advocate
for respondents No. 3 and 4.

VINOD S. BHARDWAJ, J.(Oral)

CM-15897-CWP-2021

Present application has been filed under Section 151
C.P.C. for placing on record legal notice dated 01.10.2021 (P-12).

For the reasons enumerated in the application, the same is
allowed and the legal notice(P-12) is taken on record subject to all just
exceptions.

CWP-19879-2021

Present writ petition has been filed under Articles
226/227 of the Constitution of India for issuance of directions to
respondents to release the amount due and payable to the petitioner
for various works executed by him for the respondent-Municipal
Corporation, Faridabad.

Learned counsel for respondents No. 3 and 4 has made a reference to the reply filed on behalf of the said respondents by way of an affidavit of Bharat Bhushan Kalra, Financial Controller, Municipal Corporation, Faridabad. The details of various payments to be made has been extracted in paragraph No.5 of the said short affidavit, which reads as under:

Sr. No.	Expense Date	Function Cheque Description	Item Amount	Status/Voucher No.
1	10/10/2017	By Julka Infrstructure on a/c of Distilling sewer line by super sucker machine in ward No.14 & 15 in Badkhal Area, Faridabad (006648) AC-7621	2349000.00	Paid V.No.122
2	10/10/2017	By Julka Infrstructure on a/c of Distilling sewer line by super sucker machine in ward No.16 & 17 in Badkhal Area, Faridabad (006648) AC-7622	2452000.00	Paid V.No.123
3.	02/16/2018	By Julka Infrstructure on a/c of Distilling sewer line by super sucker machine in ward No.16 & 17 in Badkhal Area, Faridabad (025688) AC-7622	849000.00	Paid V.No.586
04.	02/16/2018	By Julka Infrstructure on a/c of Distilling sewer line by super sucker machine in ward No.14 & 15 in Badkhal Area, Faridabad (025688) AC-7621	1300000.00	Paid V.No.587
05	12/07/2021	By SANJAY JULKA on a/c of 43 Grant for creation of Capital Assets for the year 2021-22 (Providing & Laying 250 mm. 300 mm dia S.W. Pipe & 500 dia NP-3 RCC pipe sewer line in Dabua extension IA and IB part Uttam Nagar in Ward No.09 NIT Faridabad-(031698) AC-7946	2339827.00	Paid V.No.387

06	12/19/2019	By SANJAY JULKA on a/c of Providing & Laying 250 mm 300 mm dia S.W. Pipe & 500 dia NP-3 RCC pipe sewer line in Dabua extension IA and 1B part Uttam Nagar in Ward No.09 NIT Faridabad-(029764) AC- 7946	2897090.00	Paid V.No.388
07	12/17/2021	By Deepak Construction Company on a/c of 43 Grant for creation of Capital Assets for the year 2021-22 (Const. of storm water drain from Bodh Vihar Chowk to. Hitkari Chowk, NIT Faridabad in Ward No.15 Balance Work (031698)AC-7315)	2627661.00	Paid V.No.323
08	01/18/2019	By Deepak Construction Company on a/c of Providing & Laying 200 mm 250 mm and 300 mm dia sewer line in various streets in between 27 road and Gajipur road in Ward No.09 NIT Faridabad (028052)AC-7644	1750000.00	Paid V.No.581
09	12/19/2019	By Deepak Construction Company on a/c of Providing & Laying 200 mm. 250 mm and 300 mm: dia sewer line in various streets in Dabua Colony in between of 27' road and 33 road Ward No.09 NIT Faridabad (029767)AC-7647	6187228.00	Paid V.No.391
10		By Deepak Construction Company on a/c of Providing & Laying 200 mm. 250 mm and 300 mm dia sewer line in various streets in Dabua Colony in between of 27 road and 33 road Ward No.09 NIT Faridabad	1730765	Pending (Security amount)

11		BY DEEPAK CONSTRUCTION COMPANY on alc of Providing & Laying 200 mm 250 mm and 300 mm dia sewer line in various streets in Dabua Colony in between of 27' road and 33 road Ward No.09 NIT Faridabad	1228536.00	Pending(Security amount)
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Learned counsel contends that as per the above said table, only two payments were due for a sum of Rs.17,30,765/- and Rs.12,28,536/- against the security amount. As the original vouchers regarding the same had been lost/were untraceable after the fire incident in August, 2020, hence, the matter was being inquired into.

During the resumed hearing today, learned counsel on behalf of respondents No. 3 and 4 has apprised that as against the above said outstanding amount, a payment of Rs.18,58,601/- has been released in favour of the petitioner vide cheque No.738840 drawn on Axis Bank on 14.07.2023. The balance amount of Rs.11,00,700/- has been withheld as per the enquiry report received from the Anti-Corruption Burea Faridabad Range, Faridabad recommending to recover the above said amount for use of Cheap and inferior quality material in constructions of drain/Nallah at Kalyanpuri Basti in NIT No.3, Faridabad.

In view of the said information furnished, the grievance of the petitioner stands substantially redressed. The dispute that remains is only with respect to Rs.11,00,700/- qua which disputed question of facts would arise.

The present petition is accordingly disposed of as having been rendered infructuous with liberty to the petitioner to take recourse to the alternative remedies qua the balance amount in accordance with law.

[VINOD S. BHARDWAJ]
JUDGE

July 17, 2023
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Whether speaking/reasoned	Yes/no
Whether reportable?	Yes/no