

2023:PHHC:103627

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

**CWP-16931-2023
Date of Decision: 10.08.2023**

M/s Aman Singh Contractor

..... Petitioner

Versus

The Assistant Director and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

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

HARSH BUNGER J.

1. Petitioner has filed the present petition under Articles 226/227 of the Constitution of India seeking issuance of a writ in the nature of *certiorari* for quashing impugned recovery notice dated 04.10.2022 (Annexure P-3), order dated 23.05.2023 (Annexure P-14) and payment order dated 10.07.2023 (Annexure P-16), whereby the petitioner has been directed to pay an amount of Rs.1,22,329/-, without considering the certificate (Annexure P-5), wherein it has been clearly mentioned that no tender was allotted to the petitioner for the months of November, 2017, December, 2017, April, 2018 and May, 2018.
2. At the very outset, learned counsel for the petitioner submits that he may be permitted to withdraw the instant petition with liberty to the petitioner-Company to avail its remedies in terms of Section 75 of the

Employees' State Insurance Act, 1948. A further prayer has been made that the petitioner-Company may be granted three weeks' time to avail its remedies and for the said period, payment order dated 10.07.2023 (Annexure P-16) be kept in abeyance.

3. Keeping in view the aforesaid submissions made by learned counsel for the petitioner, the present petition is dismissed as withdrawn with the liberty aforesaid. Further it is directed that payment order dated 10.07.2023 (Annexure P-16) be kept in abeyance for a period of three weeks from today so as to enable the petitioner-Company to avail its remedies, in accordance with law.

4. All pending application(s), if any, shall also stand closed.

10.08.2023*Apurva***(HARSH BUNGER)****JUDGE**

1. Whether speaking/reasoned : Yes/No

2. Whether reportable : Yes/No