

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

114

CWP-17664-2023

Date of decision: 16.08.2023

JARNAIL SINGH

.....Petitioner

VERSUS

STATE OF PUNJAB AND OTHERS

.....Respondents

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

Present:- Mr. Davinder Singh, Advocate and
Ms. Kiranjeet Kaur, Advocate
for the petitioner.

VINOD S. BHARDWAJ, J. (Oral)

Prayer in the present petition is for seeking directions to the respondents to release the pending payment amount of two construction contract of Dharamshala and Community Hall at Ward No.17 vide Contract No. 2526 dated 13.07.2007 and the construction contract No. 134 dated 18.09.2009 for construction of civil dispensary at New Bhasin Nagar, Patiala.

2. It has been contended that the petitioner was allotted the aforesaid work in the year 2007 and 2008. The said work was completed by the petitioner and final bill was submitted in the year 2009. Even though the work amount was approximately Rs. 2,14,000 (approx.), a sum of Rs. 1,61,807.53/- approximately was not released. The petitioner thus filed an arbitration claim in the office of the Superintending Engineer, Municipal Corporation, Patiala. The same was not entertained on the ground that the same was filed after a lapse of stipulated period of 90 days. Even though, the petitioner has not given factual details, however, an averment has been made that an objection under Section 34 of the Arbitration and Conciliation Act had been filed on behalf of the petitioner for non consideration of the Arbitration claim on 09.03.2012 before the Superintending Engineer,

Municipal Corporation, Patiala which was dismissed in default on 08.12.2012. A restoration application was filed before the Additional District Judge, Patiala on the ground that there was a communication error and a wrong date had been noted, however, the said application was also dismissed. Aggrieved thereof, a Civil Revision was filed before this Court for seeking setting aside of the order of dismissal in default and also dismissal of the subsequent application for restoration. The said Civil Revision was disposed of on 23.04.2018 with a direction that the application for restoration is allowed and the objection petition be restored to its original number. The petitioner then filed an application for restart of proceedings of the said objections as per the order dated 23.04.2018 in CR-6492 of 2017 which was withdrawn on 03.02.2020. The petitioner is seeking release of the payment which is already subject matter of dispute and/or where the petitioner has moved the issue pertaining to arbitration. The instant writ petition is accordingly misconceived.

Learned counsel appearing on behalf of the petitioner seeks withdrawal of the present writ petition so as to take recourse to the alternative remedies available to him in accordance with law.

Disposed of as withdrawn with liberty as aforesaid.

(VINOD S. BHARDWAJ)
JUDGE

AUGUST 16, 2023

Vishal sharma

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