

IN THE PUNJAB AND HARYANA HIGH COURT AT
CHANDIGARH

278

CWP-29458-2022 (O&M).
Date of Decision: 21.08.2023.

EIT SERVICES INDIA PVT. LTD.

.. Petitioner

Versus

STATE OF PUNJAB AND OTHERS

... Respondents

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

Present: Mr. Gaurav Chopra, Sr. Advocate, with
Mr. Nikhil Sabharwal, Advocate, and
Mr. Rishabh Bajaj, Advocate,
for the petitioner.

Ms. Anju Sharma Kaushik, DAG, Punjab,
for respondents No.1, 3 and 4 assisted by
Mr. Rakesh Kumar, Chief Engineer, Headquarter,
Water Resources Department, Punjab.

Mr. Ajay Pal Singh, Advocate,
for respondent No.2.

VINOD S. BHARDWAJ, J. (ORAL)

The present writ petition has been filed for seeking issuance of directions to the respondents to discharge the contractual obligations and to release the admitted liability in favour of the petitioner on account of successful implementation of the Public Works Information Management System (PWIMS) in the Department of Irrigation, Punjab.

Vide order dated 25.05.2023, the Principal Secretary,
Department of Water Resources was directed to remain present in the
Court.

Today, an application has been filed under Section 151 of the Code of Civil Procedure, 1908, for seeking exemption from personal appearance in pursuance of the aforesaid interim order due to flood like situation on account of heavy rains in Himachal Pradesh and Punjab State.

In view of reasons explained in the application and the fact that Mr. Rakesh Kumar, Chief Engineer, Headquarter, Water Resources Department, Punjab, has come present to assist the Court, personal presence of Principal Secretary, Department of Water Resources is exempted.

Learned counsel appearing for respondent No.2 contends that they have already received a sum of Rs.4.24 crores from respondent No.3 i.e. the Department of Water Resources (Irrigation) Government of Punjab and that a sum of Rs.3,77,67,538/- shall be released in favour of the petitioner within a period of 10 days. The differential amount of Rs.54,98,699/- will be released in two tranches. Half of the said amount shall be released to the petitioner on receipt of intimation that they have taken positive steps in ensuring the working of Exit Management System by furnishing requisite documents in support thereof. The balance half of the Rs.54,98,699/- shall be paid within a period of 10 days thereafter once the Department is satisfied qua the working of Exit Management System.

Learned counsel appearing for the petitioner contends that the undisputed amount is to the tune of Rs.4.32 crores. It is further informed that differential amount of Rs.8,66,283/- is on account of difference of GST and the same shall also be released along with the balance amount after satisfaction qua the working of Exit Management System.

Learned counsel for the petitioner submits that he is satisfied with the undertaking given by the respondents and does not press the instant petition at this stage.

Since the aforesaid statement is accepted by the learned counsel for the petitioner, the present petition is accordingly disposed of as not pressed. The amounts payable to the petitioner shall be released within the time frame as undertaken. The respondent shall remain bound by the timelines undertaken by them today in the Court for release of the payment.

August 21, 2023
raj arora

(VINOD S. BHARDWAJ)
JUDGE

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