

IN THE PUNJAB AND HARYANA HIGH COURT AT
CHANDIGARH.

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CWP-35867-2019 (O&M).
Date of Decision: 04.07.2023.

VIPIN JANGRA

... Petitioner

Versus

THE STATE OF HARYANA AND OTHERS

... Respondents

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

Present: Mr. Kannan Malik, Advocate, for
Mr. Govind Chauhan, Advocate, for the petitioner.

Mr. Pankaj Mulwani, DAG, Haryana, for respondents No.1.

Mr. Pardeep Solath, Advocate, for respondents No.2 and 3.

VINOD S. BHARDWAJ, J. (ORAL)

The present writ petition has been filed for seeking a direction to the respondents to release the payment of Rs.5,83,790/- and Rs.44,34,494/- on account of Architectural work done by the petitioner for office building and shopping complex for Municipal Committee, Bawal along with interest on the delayed payment.

The petitioner claims to be the sole proprietor of the Architecture firm 'Aakaar Associates' which has been listed by the

Municipal Committee, Bawal, for submission of architectural designs in terms of the advertisement for office building and shopping complex, Bawal near Chotu Ram Chowk. The consultancy rate of the petitioner was at 3.5% of the project cost as agreed between the parties and the work order was issued. It was claimed that the due payment admissible to the petitioner has not been released even though the work in question had been satisfactorily executed.

In the reply filed by respondent Municipal Committee, Bawal, it has been averred by the respondents that in so far as the work of execution of the office complex is concerned, the payment admissible to the petitioner was Rs.12,03,001/- which has already been released on 18.01.2018 and there was nothing due. So far as the other payment is concerned, the respondents have maintained that petitioner had not been awarded any work for providing consultancy services. Despite the reply having been filed in April 2022, no replication was filed to controvert the same.

Learned counsel appearing on behalf of the petitioner, however, makes a reference to Annexure P-16 to contend that the said work had been allotted to him. However, issuance of the above said letter cannot *ipso facto* be construed that the petitioner had also executed the said work.

Disputed questions of fact arise in the present petition that cannot be gone into by a writ court. The present petition is accordingly dismissed. The parties may, if so advised, take recourse to the alternative remedies available to them as per law. The period during which the present

petition has remained pending before this Court shall be taken into consideration by the concerned Court to compute the limitation.

Pending misc. application, if any, shall also stand disposed of accordingly.

July 04, 2023
raj arora

(VINOD S. BHARDWAJ
JUDGE

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