

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

104

CWP-292-2020

Date of decision: 10.01.2023

PARMOD SHARMA

.....Petitioner

VERSUS

STATE OF HARYANA AND OTHERS

.....Respondents

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

Present:- Mr. Bhagwat Dayal Sharma, Advocate
for the petitioner.

VINOD S. BHARDWAJ, J. (Oral)

The instant petition has been filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of Mandamus directing the respondents to make payment to the petitioner for having carried out the work of fitting of the street light in the EOPS, Block Siwan, District Kaithal on contract basis which is claimed to be pending since 21.05.2014.

Counsel for the petitioner contends that the petitioner is a proprietor of Vijay Laxmi Enterprises, which is running behind Bus Stand in village Fatehpur, District Kaithal. He was allotted the contract of carrying out fittings of street light in the EOPS Block, Siwan, District Kaithal. He avers that invoice No. 1239 dated 21.05.2014 for a sum of Rs. 5,32,000/- for fitting of the equipments was duly submitted by the petitioner and that despite satisfactory execution of the said work, the payment has yet not been released. Various representations have been submitted by the petitioner, however, to no avail.

I have heard learned counsel(s) appearing on behalf of the

petitioner. The document relied upon by the petitioner is only an Invoice and/or an approval purportedly granted by the Additional Engineer (Electrical).

There is no document available on record on the basis whereof it can be said that any contract in question had ever been awarded to the petitioner and that the same has been satisfactorily executed by the petitioner. Mere raising of an Invoice cannot be construed as allotment of work and/or satisfactory execution of the work by the petitioner.

Apart therefrom, there is no reference to any correspondence on the file on the basis whereof the respondents have acknowledged the execution of the work by the petitioner herein. The questions raised are disputed questions of fact and, further, the claim in question relates to the year 2014. The disputed question of fact cannot be examined by this Court as a writ jurisdiction and the same can only be examined by Competent Court in accordance with law.

Learned counsel for the petitioner hence seeks permission to withdraw the present petition to pursue his alternative remedy in accordance with law.

The present petition is accordingly dismissed as withdrawn with liberty to the petitioner to take recourse to the alternative remedies available to him in accordance with law.

(VINOD S. BHARDWAJ)
JUDGE

JANUARY 10, 2023

Vishal sharma

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