

IN THE PUNJAB AND HARYANA HIGH COURT AT
CHANDIGARH.

257

CWP-9737-2023 (O&M).
Date of Decision: 15.01.2024.

SATISH KUMAR GOLLEN

... Petitioner

Versus

STATE OF HARYANA AND OTHERS

... Respondents

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

Present: Mr. Ivneet Singh Pabla, Advocate, for the petitioner.

Mr. Vivek Chauhan, Addl. A.G. Haryana,
for respondents No.1, 2 and 6.

Mr. Vivek Saini, Advocate, for respondents No.3 to 5.

VINOD S. BHARDWAJ, J. (ORAL)

Prayer made in the present writ petition is for seeking direction to the respondents to release the bills/payments qua the work order bearing Memo No.1423 dated 15.11.2021 (Annexure P-1) pursuant to satisfactory completion of the same on 19.09.2022.

The petitioner claims that the payment of the final Bill of Rs.24,91,763/- has been wrongly withheld by the respondent for no valid reason.

Learned counsel for respondents No.3 to 5/Municipal Corporation, Karnal, has placed on record a copy of the Memo

No.EE/MCK/2023/5074 dated 01.01.2024, as per which a Committee, had been constituted by the Commissioner, Municipal Corporation, Karnal, under the Chairmanship of the Additional Commissioner, Municipal Corporation, Karnal on 06.07.2023. The said Committee after going through the reports of the various laboratories, concluded that a sum of Rs.21,19,728/- after deducting the amount of Rs.5,40,921/- from the bills and additional security 5% i.e. Rs.177,696/- upto 2nd bill along with 10% security of Rs.2,19,728/- is liable to be released after completion of five years from completion of work being the defect liability period.

In view of aforesaid communication, a copy of which has also been furnished to the learned counsel for the petitioner, who contends that the substantial grievance as regards the release of payment stands redressed and therefore, he may be permitted to withdraw the present writ petition subject to the respondents releasing the amount as admitted by them to be payable to the petitioner and with liberty to the petitioner to take recourse to his remedies against the deductions that have been ordered by the respondents.

Learned counsel for the respondents have no objection to the same.

The present writ petition is accordingly disposed of with the consent of the parties and without commenting on the merits of the case, directing the respondents to release the amount as admitted by them to be payable to the petitioner as per the communication dated 01.01.2024, within a period of 08 weeks from today.

Liberty is also granted to the petitioner to take recourse to the appropriate remedies available to him for any subsisting grievance.

January 15, 2024

(VINOD S. BHARDWAJ

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JUDGE

Whether speaking/reasoned

Whether reportable

: Yes/No

: Yes/No