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

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CWP-14956-2020

Date of decision: 20.08.2024

**M/s Dross Management Systems & Energy
Solutions Pvt. Ltd.**

...Petitioner

Versus

Union of India & ors.**...Respondents****CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ**

Present : Mr. Pradeep Sharma, Advocate,
for the petitioner.

Ms. Anita Balyan, Advocate,
for the respondents.

VINOD S. BHARDWAJ, J. (Oral)

Prayer in the present writ petition is for issuance of direction to respondents No.2 and 3 for release of payment to the petitioner-Company on expiry of three months from the date of installation of the MSW Processing Plant.

Learned counsel for the respondents has made specific reference to para 7 (e) of the reply dated 21.01.2021. The same reads thus:-”

“(e) It is submitted that the performance of the 600kg per day plant, the "Solid Waste Processing Plant" at Chandimandir Military Station, was operationalised on 11 October 2019. Since then the petitioner was told to process 600 kg of dry waste every day. The petitioner placed 600 Kg per day Plant, at the site. However, due to various reasons, the petitioner was not able to process 600



kg of dry waste with 600 kg per day plant. As it took time to consolidate installation, and other requirements of the plant, the 600 kg Per day plant was put on "No Cost No Commitment Trials" with effect from 21 October 2019 for the technical evaluation. The plant was run for said trials, till 30 December 2019. However, it was planned that with effect from 01 January 2020, 1 TPD plant will be run for further trials

(f) It is important to mention that 600 Kg Per day Plant was run for 52 days only, during the duration. The plant irrespective of its claimed capacity, could not process 600 kgs of waste on any single day. Moreover, during the duration of 52 days, it could process 13.74 tons of waste approx. against an expected quantity of 31 tons approximately. The staff placed by the petitioner, was also found lacking in adequate knowledge to handle the plant and the end product RDF (refuse derived fuel) produced during the process. Which is evident from the fact that on 11 November 2019, the laxity in storing RDF resulted in outbreak of fire and it caused extensive damage to the infrastructure existing at the site. Details of waste processed by 600 kg per day plant at the Solid Waste Processing Plant from 21 October 2019 to 30 December 2019, is annexed herewith as Annexure R-1."

It is evident from perusal of the aforesaid reply at the respondents have disputed entitlement of the petitioner to release the payment as the plant in question did not fulfill the technical requirements as stipulated with the project and has failed to treat the waste as per the mandate.

The petitioner has also not filed any replication to the written



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statement despite elapse of more than three years.

In view of the aforesaid disputed questions of fact with respect to the entitlement of the petitioner to release the dues as claimed by it, I find that the writ jurisdiction is not required to introduce the questions of fact.

The writ petition is, accordingly, disposed of with liberty to the parties to take recourse of alternative remedies in accordance with law.

20.08.2024
monika

(VINOD S. BHARDWAJ)
JUDGE

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