

CWP-25720-2012 (O&M)
CWP-90-2013 (O&M) and
CWP-91-2013 (O&M) with
COCP-3107-2012

-1-

2024:PHHC:097018



IN THE PUNJAB AND HARYANA HIGH COURT AT
CHANDIGARH.

101+205

Date of Decision: 31.07.2024.

(1) CWP-25720-2012 (O&M).

MATRIX INFOSYS

... Petitioner(s)

Versus

PUNJAB TECHNICAL UNIVERSITY AND OTHERS

... Respondent(s)

(2) CWP-90-2013 (O&M).

URVI COMPUTERS PVT. LTD.

... Petitioner(s)

Versus

PUNJAB TECHNICAL UNIVERSITY AND OTHERS

... Respondent(s)

CWP-25720-2012 (O&M)
CWP-90-2013 (O&M) and
CWP-91-2013 (O&M) with
COCP-3107-2012

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(3) CWP-91-2013 (O&M).

EKTA COMPUTERS

... Petitioner(s)

Versus

PUNJAB TECHNICAL UNIVERSITY AND OTHERS

... Respondent(s)

(4) COCP-3107-2012 (O&M).

MATRIX INFOSYS

... Petitioner(s)

Versus

RAJNEESH ARORA AND ANOTHER

... Respondent(s)

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

Present: Mr. Rajeev Lochan, Advocate,
for the petitioner(s).

Mr. Rajiv Atma Ram, Sr. Advocate, with
Mr. Arjun Partap Atma Ram, Advocate
for the respondents/University.

VINOD S. BHARDWAJ, J. (ORAL)

CM-11822-CWP-2024 IN CWP-25720-2012

Present application has been filed for seeking issuance of directions to the respondent for complying with the order dated 22.11.2023.

Since the main writ petition along with other connected writ petitions is being disposed of, learned counsel for the applicant-petitioner(s) does not press the instant application.

Disposed of as not pressed.

Main cases

Raising identical issues, all these petitions are being decided by a single order.

Petitioner(s), who are running Regional Centres under the Distance Education Programme run by the Punjab Technical University (hereinafter referred to as 'PTU') now I. K. Gujral Punjab Technical University, Jalandhar, have approached this Court for seeking quashing of

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the show cause notice dated 12.10.2012 (Annexure P-1) as also the final order of termination of MoU dated 29.11.2012 (Annexure P-1 Colly).

As per the MoU executed between the petitioner(s) as service providers herein with the Punjab Technical University, the fee was to be collected by the Regional Learning Centres from the students and was to be remitted to PTU. They were entitled to an agreed percentage of the collected fee towards their charges and margin. The petitioner(s) contend that they have undertaken the courses on behalf of the PTU and remitted the fee but the admissible dues to them as per the MoU executed with the PTU, have not been disbursed.

Learned Senior counsel appearing for the respondent-University contends that notwithstanding *inter se* criminal cases that may be pending, however, there is no dispute with respect to the MOUs executed between the parties and that certain sums may actually be due to the petitioners but actual determination of the amount due in favour of the petitioners could not be undertaken as the audit of the amount received and the liability admissible to the petitioners has not been done. The PTU has written various letters to the Government of Punjab for appointment of an Auditor so that the amount payable to the petitioners may be assessed and that on an event of such an assessment, the admissible dues, if any, shall be released.

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Attention of this Court is drawn by the counsel for the petitioners to the letter bearing Memo No.558/ECC/2023 dated 25.10.2023 written by the office of Director, Technical Education and Industrial Training Department, Punjab, to the Registrar of the I.K.Gujral Punjab Technical University, Jalandhar, conveying that M/s WAPCOS Ltd. has been appointed for conducting audit with respect to the claims preferred by the Regional Centres from I.K.Gujral Punjab Technical University, Distance Education Programme and that the said audit may be got conducted immediately. He contends that notwithstanding the lapse of nearly one year since the aforesaid communication, no steps have been taken.

Learned counsel for the petitioners emphatically argues that as a result of the inaction on the part of the respondents-University, the dues have been struck for more than a decade and that they are currently cash strapped and are in a financial distress.

Learned counsel for the parties are *ad idem* that they would have no objection in case the present writ petitions are disposed of with a direction for ordering time bound Audit to be conducted and directions be issued for time bound release of the admissible dues, if any, pursuant to the audit so conducted.

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Accordingly, with the consent of the parties and without going into the merits of the case, the three writ petitions (**CWP-25720-2012, CWP-90-2013 and CWP-91-2013**) are disposed of with a direction to the I.K. Gujral Punjab Technical University formerly Punjab Technical University, Jalandhar to get the audit of the claims preferred by the Regional Centres under Distance Education Programmes conducted from M/s WAPCOS Ltd., in terms of letter bearing Memo No.558/ECC/2023 dated 25.10.2023, in a time bound manner and preferably within a period of 03 months after obtaining concurrence from M/s WAPCOS Ltd. within a period of 03 weeks of the receipt of a copy of this order.

In the event of M/s WAPCOS Ltd. not agreeing to conduct the audit, an independent auditor shall be appointed by the I.K.Gujral Punjab Technical University formerly Punjab Technical University, Jalandhar within a period of next 03 weeks of the refusal by M/s WAPCOS Ltd. to conduct the audit with respect to the aforesaid claims preferred by the Regional Learning Centres at its own level. The said Auditor shall conduct an audit of the claims preferred by the Regional Learning Centres under I.K.Gujral Punjab Technical University Distance Education Programme within a period of 03 months of its appointment and furnish its report to the I.K.Gujral Punjab Technical University formerly Punjab Technical University, Jalandhar.

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The dues found admissible, if any, in favour of the Regional Learning Centres shall be disbursed to the respective Regional Learning Centres within a period of 02 months thereafter along with interest @ 6% per annum from the date of institution of the present writ petitions till its actual disbursement.

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

COCP-3107-2012

Since the main writ petition itself has been disposed of with the consent of the learned counsel for the parties, the present contempt petition is disposed of as not pressed.

Pending, misc. application(s), if any, in the contempt petition shall also stand(s) disposed of accordingly.

A photocopy of the order be placed on the files of the connected case.

July 31, 2024.
raj arora

(VINOD S. BHARDWAJ)
JUDGE

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