

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CWP-20216-2019 (O&M)
Date of decision: 19.02.2024

M/s Malwa Engineering Work, Sector-22 D, Chandigarh ...Petitioner
VERSUS

State of Punjab and others ...Respondents

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

Present :- Mr. Balpreet Singh, Proprietor of the petitioner-Firm in person.
None for the respondents.

VINOD S. BHARDWAJ, J. (Oral)

1. Prayer in the present petition is for issuance of directions to the respondents to release the amount of Rs.7,27,144/- qua the work of night sanitation around Golden Temple, Amritsar, done by the petitioner-Firm.
2. Mr. Balpreet Singh, contends that earlier his father was the Proprietor of the petitioner-Firm and on account of ill health of his father, he is currently the Proprietor of the Firm. He contends that tender for the job of night sanitation around Golden Temple, Amritsar, was allotted to the Firm vide letter No. H/468 dated 30.07.2013 and that the said contract had been satisfactorily executed. He submits that the dues of the Firm were, however, not cleared. The present petition has thus been filed for seeking disbursement of the undisputed payments payable to the petitioner-Firm.
3. A written statement has been filed on behalf of respondents No.2 and 3, wherein it is averred that a civil suit bearing No.1636 of 2016 had been filed by the petitioner-Firm before the Civil Court at Amritsar and the amount was reassessed and calculated by the respondents as

Rs.5,87,826/-. A cheque No.028399 dated 15.03.2017 had been got prepared by respondent No.2 and the same was offered to the petitioner in the mediation, however, the same was accepted by the petitioner. The said fact was also stated in the written statement filed on behalf of the written statement filed by the respondents in the aforesaid civil suit. A further objection has been raised that if the petitioner has any dispute as regards the assessment of the dues, the same could have been agitated as per the remedy prescribed in the contract agreement.

4. The petitioner in person submits that he has no objection, in case the undisputed amount admitted and acknowledged by the respondents is released to him with liberty to pursue the remedies in accordance with law against the disputed claim. He further submits that he shall withdraw pending civil suit before the Civil Court.

5. In view of the above aforesaid statement, the present writ petition is disposed of without commenting on the merits of the case and that the respondents No.2 and 3 i.e. Municipal Corporation, Amritsar, shall release the undisputed amount to the petitioner as stated by them in their written statement filed before the Court within a period of two months of receipt of certified copy of this Order.

6. The petitioner shall, however, be at liberty to pursue his alternate remedies for the balance amount.

7. Petition stands disposed of accordingly.

(VINOD S. BHARDWAJ)
JUDGE

19.02.2024
Mangal Singh

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