

IN THE PUNJAB AND HARYANA HIGH COURT AT
CHANDIGARH

209

CWP-6813-2018
Date of Decision: 09.01.2024

THE SARANGARA CO-OPERATIVE L & C SOCIETY LTD

... Petitioner

VERSUS

STATE OF PUNJAB AND ORS

... Respondents

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

Present: Mr. Vinod K. Kataria, Advocate for
Mr. Ashish Aggarwal, Advocate
for the petitioner.

Mr. S.S. Aulakh, AAG, Punjab.

VINOD S. BHARDWAJ, J. (ORAL)

Challenge in the present petition is to the order bearing No.3468 (Annexure P-4) endorsed on 20.07.2016, whereby the claim of the petitioner for release of the outstanding dues has been declined by the Executing Engineer, Jandiala Division, UBDC, Amritsar on the ground that the petitioner Society had not executed the work allotted to it as per the PWD specifications, hence, the petitioner Society is not entitled for the payment and the Enquiry Committee of three Chief Engineers had recommended blacklisting of petitioner Society, which was then under consideration.

Learned counsel for the petitioner contends that during the pendency of the present petition, the respondents had examined the claim of the petitioner and vide letter dated 20.12.2021 (Annexure P-14), the Chief Engineer had conveyed that the work in question was executed to the satisfaction of the Authorities concerned.

On the other hand, learned State Counsel has made a reference to the reply on behalf of respondents No.1, 2 and 4 filed by way of an affidavit of Mahesh Singh, Executive Engineer, Jandiala Division, UBDC, Amritsar to contend that the reliance of the petitioner on the letter dated 20.12.2021 is misconceived insofar as the said letter was wrongly issued without taking into consideration the relevant facts as are available on record of the respondent-Department – (Annexure R-3). A letter in this regard was also sent to the Superintending Engineer by the Authorities on 02.03.2023.

The aforesaid reply having been filed on 25.04.2023, no replication/rejoinder has been filed till date controverting the abovesaid averments made by the learned State Counsel.

In view of the above, the question as to whether the petitioner has executed the work in question as per the PWD Specifications is a disputed question of law and facts, which cannot be gone into by this Court under Article 226 of the Constitution of India.

The present petition is accordingly disposed of with liberty to the petitioner to pursue his alternative remedies, if so advised, in accordance with law.

Needless to mention that the period, for which the present petition has remained pending before this Court, shall be taken into consideration while computing the limitation.

JANUARY 09, 2024
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(VINOD S. BHARDWAJ)
JUDGE

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