



CWP-30592-2024

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

CWP-30592-2024**Date of decision: 18.11.2024**

M/s A.S. Enterprises

....Petitioner

Versus

Jalandhar Smart City Ltd., and others

....Respondents

**CORAM: HON'BLE MR. JUSTICE ARUN PALLI
HON'BLE MR. JUSTICE VIKRAM AGGARWAL**

Present: Mr. Akshay Bhan, Senior Advocate, with
Mr. Aman Bansal, Advocate,
for the petitioner.

Mr. Shekhar Verma, Additional Advocate General, Punjab,
Mr. Ashok Kumar Bazaz, Advocate.

ARUN PALLI, J. (Oral)

The petitioner (M/s A.S. Enterprises) was awarded a contract for development of Sports Hub at Burlton Park Area, Jalandhar, on Engineering, Procurement and Construction (EPC) Mode, under Jalandhar Smart City Mission, vide letter of acceptance dated 06.01.2022 (P-1). However, the respondent authorities, vide notice dated 08.05.2023 (P-10), issued by the Nodal Officer, JSCL, terminated the contract under clause 16.1.1, for the petitioner failed to achieve the project milestones. But, subsequently, vide letter dated 25.07.2023 (P-13), the Chief Executive Officer, JSCL (respondent No.1), revoked the termination. As also the decision dated 22.05.2023 (P-13), vide which, liquidated damages of Rs.7,77,65,241/- were imposed upon the petitioner, for failure to achieve the first and second milestone.

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Learned Senior counsel for the petitioner submits, for the present, the limited grievance that the petitioner has is that vide impugned order dated 06.11.2024 (P-17), the petitioner has been directed to remit Rs.7,77,65,241/-, on account of liquidated damages, within 72 hours.

We had heard the matter at some length on 14.11.2024, and on the request of the learned State counsel, the proceedings were deferred for today, to enable him to seek instructions.

Accordingly, Mr. Shekhar Verma, learned Additional Advocate General, Punjab, as always, fairly submits, for certain crucial factors that ought to have been taken into consideration, were completely overlooked by the authorities, the impugned order dated 06.11.2024 is indefensible. Thus, he submits that the same be deemed to have been recalled/withdrawn. For, the competent authority shall re-visit the matter in issue and pass appropriate orders, in accordance with law. Further, the petitioner shall also be heard before any such order is passed and, therefore, its authorized representative(s) may appear before the Corporation Engineer, Office of Commissioner, Municipal Corporation, Jalandhar City, on 21.11.2024 at 11:00 AM.

That being so, learned Senior counsel for the petitioner submits that let the petition be disposed of, in terms of the statement made by learned State counsel.

In the wake of the position sketched out above and in terms of the statements made by learned counsel for the parties, the petition is accordingly disposed of.



This Court is sanguine that the authorities shall look into the matter in the right earnest. And the appropriate orders, assigning reasons in support thereof, shall be passed, at the earliest.

Needless to assert that this order shall not constitute any expression of opinion on the merits of the case of either party, for, as indicated above, the competent authority shall examine the concerns/grievances of the petitioner, strictly in accordance with law.

(ARUN PALLI)
JUDGE

(VIKRAM AGGARWAL)
JUDGE

18.11.2024
Ak Sharma

Whether speaking/reasoned	Yes
Whether reportable	Yes/No