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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 5537/2024 and CM APPL.22766/2024 (Stay)

M/S S.K. VIG

..... Petitioner

Through: Mr. C.S. Parashar and Ms. Vidubeni,
Advs.

versus

NORTHERN RAILWAY

..... Respondent

Through: Mr. Jatin Singh, Mr. Keshav Sehgal,
Mr. Shivam Gaur, Mr. Kshitij Joshi
and Mr. Aryan Kumar, Advs.

CORAM:

HON'BLE MR. JUSTICE SACHIN DATTA

ORDER

22.04.2024

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1. The present petition assails the order of recovery dated 26.02.2024, issued by the respondent qua the petitioner. The said order reads as under:

“NORTHERN RAILWAY

No. 128-W/269/Contract Matter/WE

Dt. 23.02.2024

DRM Office

New Delhi

*M/s. S.K, Vig,
E-32, Vijay Laxmi
98-I Extn. Delhi-92*

Sub:- vigilance Check on the works.

(I) Improvement to exterior surface of multi storey flats PK Road, railway colony by repairing the plaster, exterior painting in the s/o SSE/W/PG under ADEN/E-III/New Delhi vide LOA No. - DEN/NDLS/128-W/269/150/17-18/WE dated 28.09.2017.

Ref:- Dy. CVO/Engg. L. No. VIG/CT/V4/2022/06/00585/DLI/Engg. Dt. 17.11.2023.

In reference to above letter, S. No.03 regarding recovery of Rs.7.75 lacs for undue payment against USSOR 115060 (Cement Primer) in Contract Agreement No.33 of 17-18 dated 28.09.2017. (Copy of Dy. CVO/Engg Letter attached). This recovery is to be made in your next bill.



*This is for your kind information only.
DA/as above.*

*Sd/-
DEN/Estate-I
N.R., New Delhi.”*

2. It is submitted by learned counsel for the petitioner that the said order is completely unwarranted inasmuch as the work in question qua which the recovery is sought to be made against the petitioner has been executed to the satisfaction of the respondent. It is further submitted that even the completion certification has been issued and the bank guarantees have also been returned to the petitioner.
3. After some hearing, respective counsel for the parties are in agreement that the order dated 26.02.2024 shall be kept in abeyance and an opportunity of hearing shall be provided by the respondent to the petitioner, after which a fresh order shall be passed by the respondent. It is directed accordingly.
4. Let the aforesaid exercise shall be completed within a period of six weeks from today.
5. The present petition is accordingly, disposed of in the above terms.
6. It is made clear that this order shall not be construed as an expression of opinion of this court, as to the merits of the action proposed to be taken by the respondent for recovering certain amounts from the petitioner.

SACHIN DATTA, J

APRIL 22, 2024/cl