IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

COMS NO. 19 of 2025
Date of Decision: 27.4.2026

State of Himachal Pradesh and Ors.

.....Plaintiffs

Versus

M/s K.K. Mahajan Constructions

.....defendant

Coram

Hon'ble Mr. Justice Sandeep Sharma, Judge.
Whether approved for reporting?

For the Petitioners: Mr. S.D.Vasudeva, Deputy Advocate General.

For the Respondent: Mr.Suneet Goel,Senior Advocate with Mr. Vivek Negi, Advocate.

Sandeep Sharma, J. *(Oral)*

While placing on record communication dated 27.4.2026, issued under the signature of Executive Engineer, HPPWD Division Kangra, learned Deputy Advocate General states that he has instructions to withdraw the afore suit with liberty to pursue the matter before the learned arbitral tribunal. Aforesaid communication is taken on record.

2. In view of the above, suit at hand is permitted to be withdrawn. Needless to say, plaintiffs would be entitled to refund of court fee in accordance with the rules. However, before parting, this Court wishes to

observe that suit, which has been permitted to be withdrawn, came to be filed before this court on account of callous and negligent attitude of the officers/officials, who prior to filing of the same did not bother to ascertain *whether same is maintainable or not.* Once it was in the knowledge of the department that arbitration proceedings qua the same relief are pending consideration before the learned Arbitrator, there was no occasion, if any to file present suit, which is sheer wastage of resources of the State as well as time of this Court.

3. Though it is a fit case where exemplary cost is required to be imposed upon the persons responsible for filing the suit at hand, but this court taking lenient view, directs the Engineer in Chief, HPPWD, to conduct inquiry with regard to circumstances under which present suit came to be filed and take appropriate action in accordance with law against the erring officials.

April 27, 2026 **(Sandeep Sharma),**
(Manjit) **Judge**