

CS. No. 9514/16

Jatinder Singh Sahni Vs. South Delhi Municipal Corporation

21.02.2017

Present: Ms. Raj Shree, Ld. Counsel for the plaintiff.

Sh. Rishi Pal, Ld. Counsel for the defendant.

Both the parties have filed the affidavit in compliance of admission/denial of documents. Copy supplied to each other. Since pleadings are complete, following issues are framed:-

1. Whether the plaintiff is entitled for decree of declaration thereby declaring that the levy/penalty imposed by the defendants vide show cause notice dated 04.06.2015 is illegal and uncontractual? OPP
2. Whether the plaintiff is entitled for a decree of Rs. 32,18,273/- against the defendants alongwith pendendlite and future amount @ 18 % per annum or not? OPP
3. Whether the Executive Engineer was competent to issue the show cause notice dated 04.06.2015 as per contract ? OPD.
4. Whether show cause notice/penalty imposed after lapse of 7 years of completion of work is uncontractual and illegal ? OPP
5. Whether the delay if any in completion of project work was caused due to hindrance occurred on the part of the defendant or defendant has not given free access in terms of the contract ? OPP
6. Whether time is essence of contract ? OPD

7. Whether defendant has suffered any liquidated damages ? OPD

8. Relief.

No other issues arise or pressed for. Be listed for PE by way of affidavit on **07.07.2017** with a direction to supply the advance copy of the affidavits to the opposite party. Both the parties are also directed to file the list of witnesses on the next date.

(Pooran Chand)
ADJ-06, S.E, Saket Court,
New Delhi/21.02.2017