IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

CWP No.13552 of 2026
Date of Decision: 8.9.2026

M/s Buildsworth

.....Petitioner

Versus

State of Himachal Pradesh and Ors.

.....Respondents

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

For the Petitioner: Mr. Raditya Katoch, Advocate.

For the Respondent: Mr. Rajan Kahol & Mr. Vishal Panwar, Additional Advocates General and Mr. Ravi Chauhan & Mr. Anish Banshtu, Deputy Advocates General.

Sandeep Sharma, J. *(Oral)*

By way of instant petition, petitioner has prayed for following main relief:

> "i.That this Hon'ble Court may be pleased to issue a suitable writ, order or direction, especially in the nature of mandamus for directing the Respondents to release the admitted amount of Rs. 26,60,898.37/- qua the running bill no. 06 to 09 being the final bill for works executed along with 18% interest p.a. from the date of entitlement till its realization."

2. Precisely the grouse of the petitioner as has been highlighted in the petition and further canvassed by Mr. Raditya Katoch, Advocate, is that despite there being execution of the work and submission of bills, which have been not only made, but also verified by the competent authority, sum

of Rs. 26,60,898.37/- is not being released, as a result thereof, petitioner is under financial distress.

3. While putting in appearance on behalf of respondent-State, Mr. Rajan Kahol, learned Additional Advocate General, states that present petition is not maintainable. He states that there is no privity of contract, if any, *inter-se* petitioner and the State of Himachal Pradesh, rather work in question, for which payment is being demanded was awarded to respondent No.3-M/s Hindustan Steelworks Construction Limited. He further states that respondent No. 3 being the executing agency had been claiming bills and qua certain bills, payment already stands released to aforesaid executing agency. Mr. Kahol, states that petitioner is a subcontractor of respondent No. 3 and as such, cannot claim any amount directly from the respondent-State, rather liability, if any, towards him to pay the amount is of respondent No. 3.

4. Having heard learned counsel for the parties and perused material on record, this Court finds that work for construction of Police Post Building, Chadyar, Himachal Pradesh was awarded to respondent No. 3, which further vide award letter dated 11.05.2022 (Annexure P-1) engaged the petitioner for construction of work.

5. Documents placed on record qua bills Annexure P-2 (Colly.) clearly reveal that petitioner herein being subcontractor of respondent No. 3 had been submitting the bills to respondent No. 3. Now since bills of the petitioner are not being cleared by respondent No. 3 for want of funds, petitioner has straightaway approached this Court in the instant proceedings seeking therein direction to respondent-State to release the outstanding amount.

6. Since there is no privity of contract, if any, between petitioner and respondent-State, it is not understood that how and under what circumstances, petitioner herein could have approached this Court in the instant proceedings, seeking therein direction to the respondent-State to release the amount. Petitioner's claim, if any, is against respondent No. 3 and not against respondent-State. Being aggrieved on account of non-release of payment, if any, respondent No. 3 itself could have approached this Court, seeking therein direction to respondent-State to release the amount, but certainly, under no circumstance, petitioner, which is a subcontractor of respondent No. 3 can be permitted to file present petition.

7. Moreover, reply filed on behalf of the respondent-State reveals that the amount as is being claimed by the petitioner already stands released to respondent No. 3.

8. Consequently in view of the above, present petition is dismissed being not maintainable, reserving liberty to the petitioner to file appropriate proceedings before appropriate court of law qua its grievance, if any, against respondent No. 3.

September 8, 2026 **(Sandeep Sharma),**
(manjit) **Judge**