

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

206

COCP No.123 of 2015

Date of Decision: August 05, 2016

Shri Krishna Builders, Chandigarh

...Petitioner

Versus

Sh. G.R. Bains and another

...Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASI

Present: Mr. P.S. Rana, Advocate
for the petitioner.

Mr. Nilesh Bhardwaj, Deputy Advocate General, Punjab,
for the respondents.

AUGUSTINE GEORGE MASI, J. (ORAL)

Respondent No.2-Shri Gursewak Singh Sangha,
Executive Engineer, Provincial Division, PWD B&R, Mohali, in
compliance with the order passed by this Court on 24.05.2016, is present in
Court. He states that all the admitted amount has been paid to the petitioner.

Counsel for the petitioner states that the escalation amount
along with interest on delay payment has not been released to the petitioner
despite submitting the detail calculation sheet dated 18.09.2014
(Annexure P-6) filed along with affidavit.

Counsel for the respondents states on instructions that the same
is not permissible and, therefore, if the petitioner wants to claim such an
amount, he will have to invoke the arbitration clause for claiming escalation
amount along with interest as per the terms of contract.

In view of the above, the present contempt petition is disposed
of with liberty to the petitioner to avail of the remedy in accordance with
law including arbitration.

Rule issued to the respondents stands discharged.

August 05, 2016
Puneet

(AUGUSTINE GEORGE MASI)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No