

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

COCP No.1792 of 2015

Date of Decision:-28.03.2017

Ashok Kumar.

.....Petitioner.

Versus

**Shri Suresh Kumar, IAS, Principal Secretary to Govt. of Punjab &
Ors.**

.....Respondents.

CORAM:- HON'BLE MR. JUSTICE JASWANT SINGH

Present:- Mr. Rajesh Kumar Girdhar, Advocate for the Petitioner.

Mr. Anant Kataria, Deputy Advocate General, Punjab.

JASWANT SINGH, J.(ORAL)

Petitioner is a listed contractor for execution of public works with the Public Works Department, Punjab. It is alleged that there was a general direction issued by learned Single Judge of this Court on 05.11.2014 (P-3) while deciding a bunch of petitions directing the respondent department to clear all the outstanding dues of the aggrieved contractors who had not been paid for execution of the respective works.

In the present case the alleged non payment relates to the works executed pursuant to the agreement No.242 of 2008-09, 245 of 2008-09 and 247 of 2009-10.

Upon notice a reply by way of affidavit dated 13.5.2016 was filed by Amrik Singh, Executive Engineer detailing the amounts paid to the

contractors qua the aforesaid three agreements pursuant to the arbitration awards, which however were stated to be under challenge by the government.

At the time of hearing, affidavit dated 22.03.2017 of the same officer has been filed in Court wherein it is stated that the entire admissible benefits have been released and there is no bill pending with the department against the works executed pursuant to the aforesaid agreements. The relevant para nos.3 & 4 reads as under:-

“3 That it is respectfully submitted that the payments were released to the contractor against all the three works as per details given below:-

<i>Sr. No.</i>	<i>Name of Work</i>	<i>Agreement No./Allotment amount</i>	<i>Claim submitted by the Contrator</i>	<i>Claim admitted</i>	<i>Details of Payment made</i>
1	Sewerage Scheme Jallalabad road to A62 disposal	247 of 2009-10 Rs.374-56 Lac Revised to Rs.435.33 Lac	435.33	435.33	As per Annexure R-1
2	Sewerage Scheme at Jallalabad road and Tibbi Sahib Road	245 of 2008-09 Rs.252.80 Lac	259.84	246.35	As per Annexure R-2
3	Sewerage Scheme Bura Gujjar road upto point H1	242 of 2008-09 Rs.313.49 Lac	254.40	255.19	As per Annexure R-3

4. That there is no amount pending against the work at Sr. No.1 (agreement No.247 of 2009-10). All the payments have already been released against the final bill of Rs.435.33 lacs as per rates approved by the competent authority. No details for the claim of Rs.127.77 Lac mentioned in the COCP have been submitted by the contractor/petitioner. The bills of works mentioned at Sr. No.2 and Sr. No.3 were submitted by the petitioner as Rs.49,34,686/- (not Rs.47.98 lacs as mentioned in the COCP) and Rs.11,10,836/- (not Rs.10.31 lacs as mentioned

in the COCP) and against these payments of Rs.23.59 lacs and Rs.11.11 lacs were released respectively after verifying and checking of bills. Now, no bill is pending with the department against these works. ”

In view of the above, this Court is satisfied that there is substantial compliance of the directions and no case for continuing the contempt proceedings is warranted. However, if the petitioner is still dissatisfied he would be free to seek his remedy by filing the execution proceedings qua the alleged remaining dues against the aforesaid agreements.

Dismissed.

(JASWANT SINGH)
JUDGE

March 28, 2017
Vinay

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>