

CWP-1366-2016

Date of Decision : 08.02.2017

M/s Shivalik Construction Co.

.....Petitioner

versus

State of Punjab and others

....Respondents

CORAM : HON'BLE MR. JUSTICE M.M.S. BEDI**Present:** Mr. Raman Sharma, Advocate
for the petitioner.

Ms. Anu Pal, Asstt.A.G., Punjab.

M.M.S. BEDI, JUDGE (ORAL)

Petitioner is a proprietorship firm, involved in construction activity. It is claimed that it is an 'A' class contractor. Through present writ petition, a direction has been sought to the respondents for making the payments, due towards the petitioner, on account of construction of DIET Building at village Naura, District SBS Nagar, Nawanshahar. Petitioner claims that the entire work has been completed but the entire payment has not been made.

After hearing learned counsel for the petitioner and the learned State counsel, it appears that the claim of the petitioner has impliedly been admitted to the extent of dues of ` 8,29,951/- but the State has expressed inability to pay the amount, due to the petitioner. It is stated that the matter is under consideration and the payment is likely to be released in near future and would be made, as and when the funds are received. It is also an admitted fact that the work had been completed by the petitioner on 14.06.2013. It is a case of enforcement of legal right against the State. The act of the respondents in not

clearing the dues of the petitioner is illegal, arbitrary and not warranted by any reasonable circumstances. Since the respondent is a State, it is supposed to act reasonably and to treat the citizens with equality. The action of State in the present case, in withholding the amount, due to the petitioner, is an unreasonable action, warranting issuance of direction for performance of the contractual/statutory obligations. No doubt, the petitioner has got an alternative remedy of claiming the amount but in view of the claim having been admitted and inability having been shown for non-clearance of the dues, on account of paucity of funds with the State, I deem it appropriate to allow this petition with a direction that the entire amount, due to the petitioner, would be released to the petitioner, within a period of two months. In case, the amount is not released within a period of two months, the petitioner will be entitled to recover the amount along with interest @ 18 per cent after two months, with effect from the date, the payment of ` 8,29,951/-, is due.

(M.M.S. BEDI)
JUDGE

08.02.2017

Neha

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No