

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CWP No.11192 of 2017
Date of decision:22.05.2017

M/s B.G.Construction Company

... Petitioner

Vs.

The State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. Rajesh Kumar Girdhar, Advocate
for the petitioner.

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AMIT RAWAL J. (ORAL)

Learned counsel for the petitioner submits that he will be satisfied if a direction is issued to respondent No.4 - The Executive Engineer, Construction Division No.1, P.W.D. (B&R), Ludhiana to consider the legal notice dated 15.04.2017 (Annexure P-2) within a stipulated period.

With regard to maintainability of the writ petition, the petitioner relies upon judgment rendered by coordinate bench of this Court in **M/s Ludhiana Builders Vs. State of Punjab and others** in CWP No.14356 of 2012 on 21.12.2015 wherein placing reliance upon the judgment of Hon'ble Supreme Court, it has been held that it is no longer *res integra* that contractual disputes involving public law element are amenable to writ jurisdiction and since the respondents, who are instrumentality of State, acted in contravention of Article 14 of the Constitution of India, the

writ Court can issue suitable directions to set right the arbitrary actions of the respondents.

Without going into the merits and demerits of the claim of the petitioner, I deem it appropriate to respondent No.4 - The Executive Engineer, Construction Division No.1, P.W.D. (B&R), Ludhiana to consider the legal notice dated 15.04.2017 (Annexure P-2) within a period of two months from the date of receipt of certified copy of this order and shall pass a speaking order thereon. If the claim of the petitioner is found justified, the payment shall be released to the petitioner within a period of two weeks thereafter.

The writ petition stands disposed of with the above direction.

(AMIT RAWAL)
JUDGE

May 22, 2017
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Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No