

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Civil Writ Petition No.7635 of 2017
Date of Decision: April 18, 2017

M/s OSHO Engineering Pvt.Ltd.

...Petitioner

Versus

The State of Punjab & others

...Respondents

CORAM: HON'BLE MR.JUSTICE AMIT RAWAL, JUDGE

Present: Mr.Neeraj Madan, Advocate,
for the petitioner.

AMIT RAWAL, J. (Oral)

Learned counsel for the petitioner submits that he will be satisfied if a direction is issued to respondent No.3 - The Executive Engineer, Construction Division No.1, PWD (B&R), Ferozepur to consider the legal notice dated 01.02.2017 (Annexure P-3) 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 direct respondent No.3 - The Executive Engineer, Construction Division No.1, PWD (B&R), Ferozepur to consider the legal notice dated 01.02.2017 (Annexure P-3) within a period 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.

April 18, 2017
ramesh

(AMIT RAWAL)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable:

Yes/No