

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CWP No.8172 of 2017
Date of decision:21.04.2017

M/s OSHO Engineering Pvt. Ltd.

... Petitioner

Vs.

The State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

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 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

April 21, 2017
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Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No