

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

1. CWP-1147-2018  
Date of decision : 23.04.2018.

M/S GAUTAM CONSTRUCTION COMPANY .....Petitioner  
V/s.  
STATE OF PUNJAB. ....Respondent
2. CWP-1148-2018  
DALJIT SINGH KHURD .....Petitioner  
V/s.  
STATE OF PUNJAB. ....Respondent
3. CWP-1150-2018  
DALJIT SINGH KHURD .....Petitioner  
V/s.  
STATE OF PUNJAB. ....Respondent
4. CWP-1409-2018  
M/S GAUTAM CONSTRUCTION COMPANY .....Petitioner  
V/s.  
STATE OF PUNJAB. ....Respondent
5. CWP-1411-2018  
M/S GAUTAM CONSTRUCTION COMPANY .....Petitioner  
V/s.  
STATE OF PUNJAB. ....Respondent
6. CWP-1412-2018  
M/S GAUTAM CONSTRUCTION COMPANY ...Petitioner  
V/s.  
STATE OF PUNJAB. ....Respondent
7. CWP-1656-2018  
NARINDER SINGH .....Petitioner  
V/s.  
STATE OF PUNJAB. ....Respondent
8. CWP-1657-2018  
AMARJEET SINGH .....Petitioner  
V/s.  
STATE OF PUNJAB. ....Respondent
9. CWP-1899-2018  
JASVIR SINGH .....Petitioner  
V/s.  
STATE OF PUNJAB. ....Respondent

CWP No. 1147 of 2018 and 66 other connected cases

10. CWP-1908-2018  
**HARPREET SINGH** .... ..Petitioner  
V/s.  
**STATE OF PUNJAB.** .....Respondent
11. CWP-3245-2018  
**M/S SHARMA CONSTRUCTION COMPANY** .... ..Petitioner  
V/s.  
**STATE OF PUNJAB.** .....Respondent
12. CWP-3247-2018  
**M/S BEE ESS & SONS** .... ..Petitioner  
V/s.  
**STATE OF PUNJAB.** .....Respondent
13. CWP-3248-2018  
**VISHAL SOOD** .... ..Petitioner  
V/s.  
**STATE OF PUNJAB.** .....Respondent
14. CWP-3367-2018  
**M/S MUNISH KUMAR BANSAL** .... ..Petitioner  
V/s.  
**STATE OF PUNJAB.** .....Respondent
15. CWP-3368-2018  
**S.P. LUTHER** .... ..Petitioner  
V/s.  
**STATE OF PUNJAB.** .....Respondent
16. CWP-3369-2018  
**SATPAL CONTRACTOR** .... ..Petitioner  
V/s.  
**STATE OF PUNJAB.** .....Respondent
17. CWP-3373-2018  
**M/S SATISH AGGARWAL AND CO.** .... ..Petitioner  
V/s.  
**STATE OF PUNJAB.** .....Respondent
18. CWP-3645-2018  
**M/S SAM INDIA BUILTWEILL PVT LTD** .... ..Petitioner  
V/s.  
**STATE OF PUNJAB.** .....Respondent
19. CWP-3646-2018  
**M/S DMR BUILDERS P LTD** .... ..Petitioner  
V/s.  
**STATE OF PUNJAB.** .....Respondent

CWP No. 1147 of 2018 and 66 other connected cases

20. CWP-3815-2018  
**SURINDER SINGH & CO** .... ..Petitioner  
V/s.  
**STATE OF PUNJAB.** .....Respondent
21. CWP-3817-2018  
**SATPAL CONTRACTOR** .... ..Petitioner  
V/s.  
**STATE OF PUNJAB.** .....Respondent
22. CWP-4113-2018  
**THE RAM NAGAR CO-OP LABOUR & CONSTRUCTION SOCIETY LTD** .... ..Petitioner  
V/s.  
**STATE OF PUNJAB.** .....Respondent
23. CWP-4114-2018  
**GURSHARAN SINGH** .... ..Petitioner  
V/s.  
**STATE OF PUNJAB.** .....Respondent
24. CWP-4115-2018  
**BALAJI KRISHNA INFRA** .... ..Petitioner  
V/s.  
**STATE OF PUNJAB.** .....Respondent
25. CWP-945-2018  
**DALJIT SINGH KHURD** .... ..Petitioner  
V/s.  
**STATE OF PUNJAB.** .....Respondent
26. CWP-2065-2018  
**D.M. CONSTRUCTION COMPANY** .... ..Petitioner  
V/s.  
**STATE OF PUNJAB.** .....Respondent
27. CWP-2503-2018  
**JAGJEET SINGH DHILLON** .... ..Petitioner  
V/s.  
**STATE OF PUNJAB.** .....Respondent
28. CWP-2509-2018  
**GURSHARAN SINGH** .... ..Petitioner  
V/s.  
**STATE OF PUNJAB.** .....Respondent
29. CWP-2735-2018  
**ANKIT BANSAL** .... ..Petitioner  
V/s.  
**STATE OF PUNJAB.** .....Respondent

CWP No. 1147 of 2018 and 66 other connected cases

30. CWP-2736-2018  
**M/S RANA BUILDERS** .... ..Petitioner  
V/s.  
**STATE OF PUNJAB.** .....Respondent
31. CWP-5487-2018  
**LAKHPAT RAI GOVT CONTRACTOR** .... ..Petitioner  
V/s.  
**STATE OF PUNJAB.** .....Respondent
32. CWP-5488-2018  
**M/S KABIR INFRA PVT LTD** .... ..Petitioner  
V/s.  
**STATE OF PUNJAB.** .....Respondent
33. CWP-5489-2018  
**M/S SAREEN & CO** .... ..Petitioner  
V/s.  
**STATE OF PUNJAB.** .....Respondent
34. CWP-5490-2018  
**M/S J.K. ASSOCIATES** .... ..Petitioner  
V/s.  
**STATE OF PUNJAB.** .....Respondent
35. CWP-5491-2018  
**M/S J.K. ASSOCIATES** .... ..Petitioner  
V/s.  
**STATE OF PUNJAB.** .....Respondent
36. CWP-5492-2018  
**M/S GUPTA TUBEWALL & MACHINERY STORE** .... ..Petitioner  
V/s.  
**STATE OF PUNJAB.** .....Respondent
37. CWP-5493-2018  
**M/S MITTAL CONSTRUCTION CO** .... ..Petitioner  
V/s.  
**STATE OF PUNJAB.** .....Respondent
38. CWP-5494-2018  
**VIKRAM ARORA** .... ..Petitioner  
V/s.  
**STATE OF PUNJAB.** .....Respondent
39. CWP-5496-2018  
**M/S DMR BUILDERS PVT LTD** .... ..Petitioner  
V/s.  
**STATE OF PUNJAB.** .....Respondent

CWP No. 1147 of 2018 and 66 other connected cases

40. CWP-5606-2018  
**M/S MITTAL CONSTRUCTION CO** .... ..Petitioner  
V/s.  
**STATE OF PUNJAB.** .....Respondent
41. CWP-5608-2018  
**THE MUKTSAR UNITED COOP L & C SOCIETY LTD** ... ..Petitioner  
V/s.  
**STATE OF PUNJAB.** .....Respondent
42. CWP-6293-2018  
**M/S SINGLA CONSTRUCTIONS LTD** .... ..Petitioner  
V/s.  
**PUNJAB SMALL INDUSTRIES AND EXPORT CORPORATION LTD AND ORS** .....Respondent
43. CWP-6294-2018  
**M/S SINGLA CONSTRUCTIONS LTD** .... ..Petitioner  
V/s.  
**STATE OF PUNJAB.** .....Respondent
44. CWP-6791-2018  
**M/S KULDEEP KUMAR CONTRACTOR** .... ..Petitioner  
V/s.  
**STATE OF PUNJAB.** .....Respondent
45. CWP-6797-2018  
**M/S P.R ENGINEERING ENTERPRISES** .... ..Petitioner  
V/s.  
**STATE OF PUNJAB.** .....Respondent
46. CWP-6798-2018  
**M/S KAMAL BORING WORKS** .... ..Petitioner  
V/s.  
**STATE OF PUNJAB.** .....Respondent
47. CWP-6799-2018  
**M/S VISION CONSTRUCTION COMPANY** .... ..Petitioner  
V/s.  
**STATE OF PUNJAB.** .....Respondent
48. CWP-6800-2018  
**VARSHA CONSTRUCTION COMPANY** .... ..Petitioner  
V/s.  
**STATE OF PUNJAB.** .....Respondent
49. CWP-6801-2018  
**DARSHAN SINGH CONTRACTOR** .... ..Petitioner  
V/s.  
**STATE OF PUNJAB.** .....Respondent

CWP No. 1147 of 2018 and 66 other connected cases

50. CWP-6802-2018  
**M/S S.S.BUILDERS** .... ..Petitioner  
V/s.  
**STATE OF PUNJAB.** .....Respondent
51. CWP-6803-2018  
**PARDEEP KUMAR GOVT. CONTRACTOR** .... ..Petitioner  
V/s.  
**STATE OF PUNJAB.** .....Respondent
52. CWP-6804-2018  
**M/S BANSAL CONSTRUCTION CO.** .... ..Petitioner  
V/s.  
**STATE OF PUNJAB.** .....Respondent
53. CWP-6805-2018  
**THE NEW PUNJAB CO.OP L& C SOCIETY** .... ..Petitioner  
V/s.  
**STATE OF PUNJAB.** .....Respondent
54. CWP-7829-2018  
**DARSHAN SINGH CONTRACTOR** .... ..Petitioner  
V/s.  
**STATE OF PUNJAB.** .....Respondent
55. CWP-7830-2018  
**THE BHARAT CO OP & SOCIETY LTD** .... ..Petitioner  
V/s.  
**STATE OF PUNJAB.** .....Respondent
56. CWP-7831-2018  
**MAHESH CHANDER** .... ..Petitioner  
V/s.  
**STATE OF PUNJAB.** .....Respondent
57. CWP-7832-2018  
**THE RAM NAGAR CO OP LABOUR & CONSTRUCTION SOCIETY LTD.** .... ..Petitioner  
V/s.  
**STATE OF PUNJAB.** .....Respondent
58. CWP-9426-2018  
**BHARAT BHUSHAN** .... ..Petitioner  
V/s.  
**STATE OF PUNJAB.** .....Respondent
59. CWP-9427-2018  
**KULDEEP SINGH** .... ..Petitioner  
V/s.  
**STATE OF PUNJAB.** .....Respondent

CWP No. 1147 of 2018 and 66 other connected cases

60. CWP-9428-2018  
**GURU NANAK ENGINEERING WORKS** .... ..Petitioner  
V/s.  
**STATE OF PUNJAB.** ....Respondent
61. CWP-9429-2018  
**M/S KAMBOJ TRADERS** .... ..Petitioner  
V/s.  
**STATE OF PUNJAB.** ....Respondent
62. CWP-9430-2018  
**M/S PUSHPINDER SINGH SIDHU** .... ..Petitioner  
V/s.  
**STATE OF PUNJAB.** ....Respondent
63. CWP-9431-2018  
**M/S PUSHPINDER SINGH SIDHU** .... ..Petitioner  
V/s.  
**STATE OF PUNJAB.** ....Respondent
64. CWP-9432-2018  
**BHARAT BHUSHAN** .... ..Petitioner  
V/s.  
**STATE OF PUNJAB.** ....Respondent
65. CWP-9433-2018  
**GURU NANAK ENGINEERING WORKS** .... ..Petitioner  
V/s.  
**STATE OF PUNJAB.** ....Respondent
66. CWP-9436-2018  
**PANKAJ ARORA** .... ..Petitioner  
V/s.  
**STATE OF PUNJAB.** ....Respondent
67. CWP-7826-2018  
**M/S B.G. CONSTRUCTION CO.** .... ..Petitioner  
V/s.  
**STATE OF PUNJAB.** ....Respondent

**CORAM: HON'BLE MR. RAKESH KUMAR JAIN**

Present: Mr. R.K. Girdhar, Advocate,  
for the petitioner(s) in all the petitions.

Mr. H.S. Sitta, AAG, Punjab.

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**RAKESH KUMAR JAIN, J. (Oral)**

This order shall dispose of a bunch of 67 writ petitions mentioned  
above in which the petitioner(s), in all the writ petitions, have made the same

**CWP No. 1147 of 2018 and 66 other connected cases**

prayer for the issuance of a writ of mandamus directing the respondent to release their payment of the work executed by them on their behalf.

Learned counsel for the petitioner has submitted that the respondent-State is not denying its liability, therefore, it is submitted that the petitioners are entitled to their due payments.

Learned State counsel has submitted that a policy has been framed regarding the payment of contractors which has been notified on 23.01.2018 and as per which the pending liability has been decided to be cleared on priority basis.

Learned counsel for the petitioner(s) has submitted that the said policy is an internal mechanism of the State to which they were not a party as the entire decision has been taken by them on their own.

Learned State counsel has further submitted that there are certain cases in which entire payments/part payments have been made and there are also certain cases in which issue of completion/quality of work is involved.

After hearing learned counsel for the parties and taking into consideration the aforesaid facts and circumstances, I am of the considered opinion that insofar as the above mentioned policy is concerned, it is not applicable to the petitioners as the State has framed this policy for developing its mechanism for making payment to the contractors on priority basis which was not a part of the agreements between the parties at the time when the contracts were awarded. Moreover, said policy has been framed without association of the affected parties i.e. the petitioners. Even otherwise, I am of the considered opinion that once the liability is accepted by the respondent-State and the petitioner is found entitled to the payment for the work already executed, it is the duty of the Respondent to make the payment.

**CWP No. 1147 of 2018 and 66 other connected cases**

In view of the foregoing discussion, the present bunch of writ petitions are hereby disposed with a direction to the Respondent to release the payment to the petitioners within four months from the date of receipt of certified copy of this order.

**April 23, 2018**  
Suresh Kumar

**(RAKESH KUMAR JAIN)**  
**JUDGE**

|                                      |                                  |
|--------------------------------------|----------------------------------|
| <b>Whether speaking / reasoned :</b> | <div>✓</div> <div>Yes / No</div> |
| <b>Whether Reportable :</b>          | <div>Yes / No</div>              |