IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

1. ***CWP No. 4794 of 2018 (O&M)***
Date of Decision: 23.04.2018

THE AMIR KHAS CO. OP L &C SOCIETY LTD … Petitioner
V/s.
STATE OF PUNJAB AND OTHERS ...Respondents

2. ***CWP No. 4826 of 2018 (O&M)***

HARKARN SINGH BRAR CONTRACTOR … Petitioner
V/s.
STATE OF PUNJAB AND OTHERS ...Respondents

3. ***CWP No. 4834 of 2018 (O&M)***

THE MOHALLA BABA FARID CO-OP L &C SOCIETY LTD… Petitioner
V/s.
STATE OF PUNJAB AND OTHERS ...Respondents

4. ***CWP No. 5033 of 2018 (O&M)***

THE BAJAKHANA COOP L&C SOCIETY LTD … Petitioner
V/s.
STATE OF PUNJAB AND OTHERS ...Respondents

5. ***CWP No. 5051 of 2018 (O&M)***

THE SUBHASH COOP L&C SOCIETY LTD … Petitioner
V/s.
PUNJAB WATER RESOURCES MANAGEMENT & DEVELOPMENT CORP PB & ORS ...Respondents

6. ***CWP No. 5339 of 2019 (O&M)***

M/S SAHIB & COMPANY … Petitioner
V/s.
STATE OF PUNJAB AND OTHERS ...Respondents

7 ***CWP No. 5360 of 2018 (O&M)***

THE PHIDE KHURD CO-OP L & C SOCIETY LTD … Petitioner
V/s.
STATE OF PUNJAB AND OTHERS ...Respondents

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8 ***CWP No. 5577 of 2018 (O&M)***

M/S J.P. SINGLA ENGINEERS AND CONTRACTORS … Petitioner

V/s.

STATE OF PUNJAB AND OTHERS ...Respondents

9. ***CWP No. 5699 of 2018 (O&M)***

THE JAWAYA SINGH WALA CO OP L & C SOCIETY LTD … Petitioner

V/s.

STATE OF PUNJAB AND OTHERS ...Respondents

10 ***CWP No. 5723 of 2018 (O&M)***

ANIL KUMAR CONTRACTOR … Petitioner

V/s.

STATE OF PUNJAB AND OTHERS ...Respondents

11. ***CWP No. 6016 of 2018 (O&M)***

M/S DEEKAY ENTERPRISES … Petitioners

V/s.

STATE OF PUNJAB AND OTHERS ...Respondents

12. ***CWP No. 6248 of 2018 (O&M)***

THE FORWARD INDIA CO-OP L&C SOCITETY LTD … Petitioner

V/s.

STATE OF PUNJAB AND OTHERS ...Respondents

13. ***CWP No. 7362 of 2018 (O&M)***

PHIDE KHURD CO-OP L&C SOCIETY … Petitioner

V/s.

STATE OF PUNJAB AND OTHERS ...Respondents

14. ***CWP No. 7376 of 2018 (O&M)***

THE RAMPUR CO-OP L & C SOCIETY LTD … Petitioner

V/s.

STATE OF PUNJAB AND OTHERS ...Respondents

15. ***CWP No. 7378 of 2018 (O&M)***

JASBIR SINGH CONTRACTOR … Petitioner

V/s.

STATE OF PUNJAB AND OTHERS ...Respondents

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CWP No. 4794 of 2018 and 16 other connected cases

16. ***CWP No. 7380 of 2018 (O&M)***

JASBIR SINGH CONTRACTOR … Petitioner

V/s.

STATE OF PUNJAB AND OTHERS ...Respondents

17. ***CWP No. 7430 of 2018 (O&M)***

THE RAMPUR CO-OP L & C SOCIETY … Petitioner

V/s.

STATE OF PUNJAB AND OTHERS ...Respondents

CORAM: HON'BLE MR. RAKESH KUMAR JAIN

Present: Mr. T.P.S. Makkar, Advocate,
for the petitioner(s) in all the petitions.

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

Mr. G.S. Khokhar, Advocate,
for respondent No. 3 in CWP Nos. 5699 and 5723 of 2018.

Mr. S.S. Bedi, Advocate,
for respondents.

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RAKESH KUMAR JAIN, *J. (Oral)*

This order shall dispose of a bunch of 17 writ petitions mentioned above in which the petitioner(s), in all the writ petitions, have made the same prayer for the issuance of a writ of mandamus directing the respondents to release their payment for execution of work on their behalf.

Learned counsel for the petitioner has submitted that the respondents are not denying their 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 as per which the pending liability has been decided to be cleared on priority basis.

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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 of Punjab 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 held entitled to the payment for which they have already executed the work, it is the duty of the respondents to make the payment.

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

A photocopy of this order be placed on the files of the connected cases.

April 23, 2018 **(RAKESH KUMAR JAIN)**
Suresh Kumar **JUDGE**

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CWP No. 4794 of 2018 and 16 other connected cases

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Whether speaking / reasoned : Yes / No

Whether Reportable : Yes / No

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