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

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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 BUILTWELL 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***

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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 & CONSTRCTION 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***

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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***

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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

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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***

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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

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

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.

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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 **(RAKESH KUMAR JAIN)**
Suresh Kumar **JUDGE**

✓

Whether speaking / reasoned : Yes / No

Whether Reportable : Yes / No

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