

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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

M/S GAUTAM CONSTRUCTION COMPANYPetitioner
V/s.
STATE OF PUNJAB.Respondent
2. CWP-1148-2018
DALJIT SINGH KHURDPetitioner
V/s.
STATE OF PUNJAB.Respondent
3. CWP-1150-2018
DALJIT SINGH KHURDPetitioner
V/s.
STATE OF PUNJAB.Respondent
4. CWP-1409-2018
M/S GAUTAM CONSTRUCTION COMPANYPetitioner
V/s.
STATE OF PUNJAB.Respondent
5. CWP-1411-2018
M/S GAUTAM CONSTRUCTION COMPANYPetitioner
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 SINGHPetitioner
V/s.
STATE OF PUNJAB.Respondent
8. CWP-1657-2018
AMARJEET SINGHPetitioner
V/s.
STATE OF PUNJAB.Respondent
9. CWP-1899-2018
JASVIR SINGHPetitioner
V/s.
STATE OF PUNJAB.Respondent

CWP No. 1147 of 2018 and 66 other connected cases

10. CWP-1908-2018
HARPREET SINGHPetitioner
V/s.
STATE OF PUNJAB.Respondent
11. CWP-3245-2018
M/S SHARMA CONSTRUCTION COMPANYPetitioner
V/s.
STATE OF PUNJAB.Respondent
12. CWP-3247-2018
M/S BEE ESS & SONSPetitioner
V/s.
STATE OF PUNJAB.Respondent
13. CWP-3248-2018
VISHAL SOODPetitioner
V/s.
STATE OF PUNJAB.Respondent
14. CWP-3367-2018
M/S MUNISH KUMAR BANSALPetitioner
V/s.
STATE OF PUNJAB.Respondent
15. CWP-3368-2018
S.P. LUTHERPetitioner
V/s.
STATE OF PUNJAB.Respondent
16. CWP-3369-2018
SATPAL CONTRACTORPetitioner
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 LTDPetitioner
V/s.
STATE OF PUNJAB.Respondent
19. CWP-3646-2018
M/S DMR BUILDERS P LTDPetitioner
V/s.
STATE OF PUNJAB.Respondent

CWP No. 1147 of 2018 and 66 other connected cases

20. CWP-3815-2018
SURINDER SINGH & COPetitioner
V/s.
STATE OF PUNJAB.Respondent
21. CWP-3817-2018
SATPAL CONTRACTORPetitioner
V/s.
STATE OF PUNJAB.Respondent
22. CWP-4113-2018
THE RAM NAGAR CO-OP LABOUR & CONSTRUCTION SOCIETY LTDPetitioner
V/s.
STATE OF PUNJAB.Respondent
23. CWP-4114-2018
GURSHARAN SINGHPetitioner
V/s.
STATE OF PUNJAB.Respondent
24. CWP-4115-2018
BALAJI KRISHNA INFRAPetitioner
V/s.
STATE OF PUNJAB.Respondent
25. CWP-945-2018
DALJIT SINGH KHURDPetitioner
V/s.
STATE OF PUNJAB.Respondent
26. CWP-2065-2018
D.M. CONSTRUCTION COMPANYPetitioner
V/s.
STATE OF PUNJAB.Respondent
27. CWP-2503-2018
JAGJEET SINGH DHILLONPetitioner
V/s.
STATE OF PUNJAB.Respondent
28. CWP-2509-2018
GURSHARAN SINGHPetitioner
V/s.
STATE OF PUNJAB.Respondent
29. CWP-2735-2018
ANKIT BANSALPetitioner
V/s.
STATE OF PUNJAB.Respondent

CWP No. 1147 of 2018 and 66 other connected cases

30. CWP-2736-2018
M/S RANA BUILDERSPetitioner
V/s.
STATE OF PUNJAB.Respondent
31. CWP-5487-2018
LAKHPAT RAI GOVT CONTRACTORPetitioner
V/s.
STATE OF PUNJAB.Respondent
32. CWP-5488-2018
M/S KABIR INFRA PVT LTDPetitioner
V/s.
STATE OF PUNJAB.Respondent
33. CWP-5489-2018
M/S SAREEN & COPetitioner
V/s.
STATE OF PUNJAB.Respondent
34. CWP-5490-2018
M/S J.K. ASSOCIATESPetitioner
V/s.
STATE OF PUNJAB.Respondent
35. CWP-5491-2018
M/S J.K. ASSOCIATESPetitioner
V/s.
STATE OF PUNJAB.Respondent
36. CWP-5492-2018
M/S GUPTA TUBEWALL & MACHINERY STOREPetitioner
V/s.
STATE OF PUNJAB.Respondent
37. CWP-5493-2018
M/S MITTAL CONSTRUCTION COPetitioner
V/s.
STATE OF PUNJAB.Respondent
38. CWP-5494-2018
VIKRAM ARORAPetitioner
V/s.
STATE OF PUNJAB.Respondent
39. CWP-5496-2018
M/S DMR BUILDERS PVT LTDPetitioner
V/s.
STATE OF PUNJAB.Respondent

CWP No. 1147 of 2018 and 66 other connected cases

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

CWP No. 1147 of 2018 and 66 other connected cases

50. CWP-6802-2018
M/S S.S.BUILDERSPetitioner
V/s.
STATE OF PUNJAB.Respondent
51. CWP-6803-2018
PARDEEP KUMAR GOVT. CONTRACTORPetitioner
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 SOCIETYPetitioner
V/s.
STATE OF PUNJAB.Respondent
54. CWP-7829-2018
DARSHAN SINGH CONTRACTORPetitioner
V/s.
STATE OF PUNJAB.Respondent
55. CWP-7830-2018
THE BHARAT CO OP & SOCIETY LTDPetitioner
V/s.
STATE OF PUNJAB.Respondent
56. CWP-7831-2018
MAHESH CHANDERPetitioner
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 BHUSHANPetitioner
V/s.
STATE OF PUNJAB.Respondent
59. CWP-9427-2018
KULDEEP SINGHPetitioner
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.

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**

Whether speaking / reasoned :	✓ Yes / No
Whether Reportable :	Yes / No