

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

**CM No.9397 of 2020 in/and
CWP No.2440 of 2020
Date of Decision: 09.11.2020**

Prem Pal Bathla Contractor

.....Petitioner

Vs.

The State of Punjab and others

.....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present:- Mr. R.K. Girdhar, Advocate,
for applicant-petitioner.

RITU BAHRI, J. (ORAL)

CM No.9397 of 2020

Notice of the application.

On the asking of the Court, Ms. Simran Grewal, AAG, Punjab,
accepts notice on behalf of respondent-State.

In view of the averments mentioned in the application, same is
allowed; the main case i.e. CWP No.2440 of 2020 is preponed and taken up
today itself for its disposal.

CWP No.2440 of 2020

Petitioner is seeking direction to the respondents to release the
payment of Rs.14,43,695/- qua the works of Providing & Laying CC
Flooring in various streets, including side drain, interlocking tiles etc.

Details of the works allotted to the petitioner have been given
in para 02 of the petition. After completion of the work, petitioner served a
legal notice dated 18.09.2019 (Annexure P-2) upon the respondents, but no

action has been taken thereon till date.

Recently, Hon'ble the Supreme Court in M/s Surya Constructions vs. The State of Uttar Pradesh & others, (decided on 08.03.2019), observed that where the State behaves arbitrarily, even in the realm of contract, the High Court could interfere under Article 226 of the Constitution of India and give direction to the State to release the payment, which is due, in accordance with law. In this case, legal notice dated 18.09.2019 (Annexure P-2) has already been got served upon the respondents, but no action has been taken thereon till date.

This petition, at this stage, is disposed of by giving direction to respondent No.4-Executive Engineer, Construction Division, PWD (B&R) to decide the claim of petitioner, as reflected in the legal notice dated 18.09.2019 (Annexure P-2), by passing a speaking order in accordance with law, within a period of two months from the date of receipt of certified copy of this order. If the petitioner is found entitled to the aforesaid payment, then it shall be released in his favour along with interest at the rate of 6.5% per annum from the date it fell due till its realization. No order as to costs.

(RITU BAHRI)
JUDGE

09.11.2020
ajp

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No