IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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(PROCEEDINGS THROUGH V.C.)

CIVIL WRIT PETITION NO.11795 OF 2020
DATE OF DECISION: AUGUST 13, 2020

Gurmeet Singh Sodhi

.....Petitioner

VERSUS

The State of Punjab and others

....Respondents

CORAM:- HON'BLE MR.JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Rajesh Kumar Girdhar, Advocate,
for the petitioner.

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AUGUSTINE GEORGE MASIH, J. (ORAL)

Petitioner has approached this Court with a grievance that despite the work having been executed by him to the extent of ₹13,35,063/-, no payment has been made to him. Putting forth his claim and highlighting this difficulty, the petitioner has served a legal notice dated 23.05.2020 (Annexure P-3) upon the respondents, which has, till date, not been responded to.

Ms. Anu Pal, Deputy Advocate General, Punjab, who has put in appearance on behalf of the State, on the asking of the Court, points out that invariably there is a provision for arbitration in the contract, which the petitioner can invoke but instead he has preferred to approach this Court without availing his alternative remedy.

This contention of learned counsel for the State cannot be

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accepted at this stage for the reason that the claim of the petitioner with regard to the work executed has not yet been decided by the respondents. The situation, which has been pointed out by counsel for the State, would come into operation only if the claim has been settled and thereafter the petitioner has a grievance that he was entitled to `X' amount whereas `Y' amount has been paid to him.

The present petition, therefore, is disposed of and direction is issued to respondent Nos.3 and 4 to consider and decide the legal notice dated 23.05.2020 (Annexure P-3) within a period of six weeks from the date of receipt of certified copy of the order by passing a speaking order. In case the claim of the petitioner is accepted, consequential amount as per his entitlement be released to him within a further period of two weeks, failing which the amount due shall carry an interest of 6% per annum from the date of issuance of legal notice till the date of disbursement.

August 13, 2020 **(AUGUSTINE GEORGE MASIH)**
khurmi **JUDGE**

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

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