

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP-19613-2020

(Heard through VC)

Date of decision:19.11.2020

M/s. SVA Constructions

...Petitioner

V/s.

The State of Punjab and others

.....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI.

Present: Mr. R.K.Girdhar, Advocate for the petitioner.

Ritu Bahri, J. (Oral)

Petitioner is seeking direction to the respondents to release the payment of Rs. 1,42,70,922/- qua the work of periodical/renewal of PMGSY Road Bheetiwala-Roranwali-Fatuhi Khera-Fatehpur Manian to Tappa Khera Road Package No. PB-1319.

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 16.10.2020 (Annexure P-2) upon the respondents, but no action has been taken thereon till date.

Notice of motion.

On the asking of the Court, Ms. Lavanya Paul, Assistant Advocate General, Punjab accepts notice on behalf of all the respondents.

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

16.10.2020 (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.5-The Executive Engineer, Construction Division, Building & Roads Branch, Gidderbaha, District Sri Muktsar Sahib to decide the claim of petitioner, as reflected in the legal notice dated 16.10.2020 (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.

19.11.2020

Divyanshi

**RITU BAHRI
(JUDGE)****Whether speaking/reasoned:****Yes/No****Whether reportable:****Yes/No**