

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

**CWP No.20389 of 2020  
Date of decision: 01.12.2020**

**Ashok Kumar Contractor**

**...Petitioner**

**Versus**

**The State of Punjab and others**

**...Respondents**

**CORAM:HON'BLE MS. JUSTICE RITU BAHRI**

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

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**Ritu Bahri, J.**

Petitioner is seeking direction to the respondents to release the payment of Rs.9,52,777/- qua the work of Operation & Maintenance of entire Sewerage System, including STP, at village Ghumiar Khera, Block Lambi, District Sri Muktsar Sahib.

Details of the work(s) allotted to the petitioner have been given in para 02 of the petition. After completion of work, petitioner submitted the bills (Annexure P-2) to the concerned department, but payment thereof has not been released till date.

With regard to his grievance, petitioner made a representation dated 04.01.2020 (Annexure P-3) to the Executive Engineer, Water Supply & Sanitation Division, Malout, but no action has been taken thereon till date.

Notice of motion.

On the asking of the Court, Mr. T.P.S. Chawla, DAG, Punjab,

accepts notice on behalf of respondent-State.

Recently, Hon'ble the Supreme Court in **M/s Surya Constructions vs. The State of Uttar Pradesh and 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.

Without expressing any opinion on the merits of the case, this petition is disposed of by giving direction to respondent No.4-Executive Engineer, Water Supply & Sanitation Division, Malout, District Sri Muktsar Sahib, to look into the representation dated 04.01.2020 (Annexure P-3) and pass a speaking order thereon 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 above said amount, same 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.

01.12.2020  
ajp

(RITU BAHRI)  
JUDGE

|                           |        |
|---------------------------|--------|
| Whether speaking/reasoned | Yes/No |
| Whether reportable        | Yes/No |