

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

102 - CWP-155-2021 (O&M)

Date of Decision: 25.01.2021

M/s Dharminder Kumar

... Petitioner

VS.

State of Punjab & Ors.

... Respondents

CORAM: HON'BLE MR.JUSTICE GIRISH AGNIHOTRI

Present: Mr. RK Girdhar, Advocate for the petitioner

GIRISH AGNIHOTRI, J. (Oral)

The matter has been taken up through video conferencing on account of restrictions due to outbreak of COVID-19 pandemic.

Petitioner is seeking direction to the respondents to release the payment of Rs.19,92,823/- *qua* the work of various Water Supply Schemes in different villages of District Fatehgarh Sahib executed by the petitioner along with interest.

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 04.12.2020 (P3) upon the respondents, but no action has been taken thereon till date.

Notice of motion.

On the asking of the Court, Ms. Sunint Kaur, AAG Punjab accepts notice on behalf of all the respondents.

In *Civil Appeal No.2610 of 2019* titled as *M/s Surya Constructions vs. The State of Uttar Pradesh & others*, decided on 08.03.2019, Hon'ble Supreme Court had 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 commenting on the merits of the case, this writ petition is disposed of with a direction to respondent No.5 to decide the claim of petitioner, as reflected in the legal notice (P3), by passing a speaking order in accordance with law, within a period of two months from the date of receipt of a certified copy of this order.

Needless to say that in case the petitioner is found entitled to the aforesaid payment, the same be released along with interest at the rate of 6.5% per annum from the date it fell due till its realization.

So ordered.

25.01.2021

vishal shonkar

(Girish Agnihotri)
Judge

1. *Whether speaking/reasoned?*
2. *Whether reportable?*

Yes/No
Yes/No