

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CWP No.583 of 2021 (O&M)
Date of decision: 12.01.2021

M/s Shree Balaji Construction Company

.....Petitioner

versus

The State of Punjab and ors

....Respondents

CORAM: Hon'ble Mr. Justice Girish Agnihotri

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

*(the aforesaid presence is being recorded through video
conferencing since the proceedings are being conducted in Virtual Court).*

GIRISH AGNIHOTRI, J. (Oral)

At the outset, learned counsel for the petitioner relies on order dated 19.11.2020 passed in CWP No.19613 of 2020.

Petitioner – M/s Shree Balaji Construction has filed the present writ petition *inter alia* with a prayer to direct the respondents to release the due payment of Rs.83,18,529/- qua the works of Periodic Renewal of PMGSY Roads, executed by the petitioner along with interest @ 12% per annum.

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 09.12.2020 (Annexure P-5) upon the respondents, but no action has been taken thereon till date.

Notice of motion.

On the asking of the Court, Mr. Avinit Avasthi, 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 09.12.2020 (Annexure P-5) 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 09.12.2020 (Annexure P-5), 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.

(GIRISH AGNIHOTRI)
JUDGE

12.01.2021

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