

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

102

CWP No.1729 of 2021

Date of decision: 27.01.2021

M/s Dharampal Contractors through its proprietor

.....Petitioner

versus

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)

Petitioner – M/s Dharampal Contractors through its proprietor Dharampal, stated to be aged 63 years, has filed the present writ petition *inter alia* with a prayer to direct respondents to make the due payment of Rs.29,51,016/- including security qua the work of Up-gradation of L/R Sirsa-Ratia Road to Rajrana upto Haryana Border via Jhanda Kalan, Nahran, Karandi under PMGSY-II (Batch-i, 2015-16), District Mansa, Package No.PB-11-047 length 13.80 km executed by him 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 24.12.2020 (Annexure P-4) upon the respondents, but no action has been taken thereon till date.

Notice of motion.

On the asking of the Court, Mr. Sahil Sharma, DAG, 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 24.12.2020 (Annexure P-4) 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(C), Punjab Mandi Board, Grain Market, Bathinda, to decide the claim of petitioner, as reflected in the legal notice dated 24.12.2020 (Annexure P-4), 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.

(GIRISH AGNIHOTRI)
JUDGE

27.01.2021

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