

IN THE PUNJAB AND HARYANA HIGH COURT AT
CHANDIGARH

116

CWP-7033-2024
Date of Decision: 01.04.2024

M/s DMR BUILDERS PVT LTD Petitioner

VERSUS

THE STATE OF PUNJAB AND OTHERS Respondents

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present: Mr. Chirag Girdhar, Advocate
for the petitioner.

VINOD S. BHARDWAJ, J. (ORAL)

The instant petition has been instituted under Articles 226/227 of the Constitution of India, 1950 seeking issuance of a writ in the nature of Mandamus directing the respondents to make the due payment of 13th running bill amounting to Rs. 36,59,362/- qua the construction of Shri Guru Gobind Singh Skill Institute (Phase-1) at Shri Chamkaur Sahib, District Rupnagar executed by the petitioner, alongwith interest @ 12% per annum.

Learned counsel for the petitioner contends that the petitioner had executed various works assigned to him from time to time and there has never been any complaint against the works executed by the petitioner. On 25.01.2021, the work of construction of Shri Guru Gobind Singh Skill Institute (Phase-1) at Shri Chamkaur Sahib, District Rupnagar was allotted to the petitioner vide Agreement No. 45/2020-21 and EE No. 554 dated 25.01.2021. He contends that the petitioner had initiated construction of the

work and submitted the running bill amount. The payment of 11th running bill was earlier not released to the petitioner for which the petitioner filed CWP-13937-2023 which was disposed of on 05.07.2023 with a direction to the respondent-department to release the admitted payment. Similarly, the petitioner had to earlier approach before this Court for claiming payment of 12th running bill by means of filing CWP-21081 of 2023 which was disposed of vide order dated 21.09.2023. Now the payment of 13th running bill is also not being released to the petitioner even though in response to the legal notice, the respondents admit that the payment is liable to be released to the petitioner and that the same has been demanded from respondent No.6 i.e.- the I.K. Gujral Punjab Technical University, Jalandhar-Kapurthala Highway, Jalandhar and that as and when the amount is received, the same shall be released.

Notice of motion.

Mr. Vipin Pal Yadav, Addl. Advocate General, Punjab appears and accepts notice on behalf of respondents No.1 to 5 and he is not in a position to controvert the factual aspects noticed above. The reply to the legal notice vide memo No. 2218 dated 15.03.2024 has also not been controverted.

It seems that the respondent-State of Punjab has chosen to compel the contractors to approach the Court for seeking payment of the dues admissible to them. Even in instances where the payment is neither disputed nor denied, yet, the contractors are being compelled to approach the Court for obtaining orders and the payments are released only thereafter. Such a conduct is clearly contrary to the State Litigation Policy and amounts to forcing a contractor to burden the Court of law with litigation which is nothing more than an administrative default. The said fact is further

crystallized from the petitioner approaching this Court for seeking each and every running account paid. While deprecating the conduct of the respondents and disposing of this writ petition with a direction to the respondents to release the undisputed payment as admitted by them in their reply bearing memo No. 2218 dated 15.03.2024 within a period of 03 months of the receipt of certified copy of this order, the respondent-State of Punjab is further burdened with a cost of **Rs. 50,000/-** to be paid to the **“Poor Patients Welfare Fund' of the Postgraduate Institute of Medical Education and Research (PGIMER), Chandigarh”**, for foisting unwanted litigation on contractors.

Petition stands disposed of accordingly.

APRIL 01, 2024
Vishal sharma

(VINOD S. BHARDWAJ)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No