

IN THE PUNJAB AND HARYANA HIGH COURT AT
CHANDIGARH

117

CWP-9884-2024
Date of Decision: 01.05.2024

SHASHI BHUSHAN

... Petitioner

VERSUS

STATE OF HARYANA AND ORS.

... Respondents

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

Present: Mr. S.S. Chhoker, 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 release the payment of running bill of the petitioner alongwith 18% interest from the date of bills till actual realization.

Learned counsel for the petitioner contends that despite having completed the allotted work well within the prescribed time, the respondents have withheld the legitimate dues of the petitioner. He further submits that with regard to his grievance, the petitioner has submitted various request letters including the last one dated 31.05.2023 (Annexure P-7), however, the respondents have neither released the amount in question nor have they taken any action upon the said request letter. He further submits that the respondents are habitual of withholding the legitimate dues of the contractors without any cogent and valid reason, which unnecessarily forces the contractors to knock at

the doors of this Court by filing repeated writ petitions. Some of such and similar writ petitions are as under:

- (i) CWP-19465 of 2023 titled as "M/s Ganga Constructions Versus State of Haryana and others" and
- (ii) CWP-19531 of 2023 titled as "The Skyline Co-operative Labour and Construction Society Ltd. Manak Tabra Versus State of Haryana and others."

It is further submitted that the respondents resort to withholding of the legitimate, admissible and payable dues of the contractors for the reasons best known to them. It is their *modus oprendi* to force the contractors into filing multiple cases adding to unnecessary litigation, wasting time of the Court and compelling the Contractor to incur expenses for litigation which was never required at first instance.

Notice of motion.

Mr. Vivek Saini, Addl. A.G., Haryana accepts notice on behalf of the respondents and prays for some time to complete instructions and file response, if necessary.

Learned counsel for the petitioner, however, submits that at this juncture, he would be satisfied if respondent No.5- Executive Engineer, Panchayati Raj, Public Works, Haryana, Mini Secretariat, Panchkula is directed to treat the present petition as a representation and to consider and decide the same in a time bound manner.

Learned State Counsel does not oppose the prayer made by learned counsel for the petitioner.

Accordingly, in view of the above; with the consent of the parties and without commenting on the merits of the case, the present petition is

disposed of directing respondent No.5 to treat the present petition as a representation and to decide the same by passing a reasoned and speaking order after affording an opportunity of hearing to the respective parties within a period of three months of the receipt of certified copy of this order.

Needless to mention that upon considering the said representation, if any amount is found due and payable to the petitioner, the same shall be disbursed in favour of the petitioner within a further period of three months.

Before parting with the matter, this Court would like to express its anguish and concern towards the act and conduct of the respondents in unreasonably withholding the legitimate and admissible dues of the contractors. On various earlier occasions, this Court has come across numerous instances where the contractors have to knock at the doors of this Court for seeking release of their admissible dues for no fault on their part, which escalates their financial burden and creates unnecessary litigation. It is further observed that it has seemingly become a routine practice of the respondents to not release the due payments unless there is an order of the Court. Every week, this Court receives an average of 10-15 cases only for seeking release of their undisputed liability and in many such cases, the respondents have already admitted their liability but express inability to release the same for paucity of funds, which not only burdens the Court with unnecessary litigation but also wastes the precious time of the Court.

Accordingly, the respondent Department is also burdened with costs of Rs.50,000/- to be deposited with the Poor Patients Welfare Fund, PGIMER, Chandigarh and the receipt thereof be submitted with the Registry of this Court within a period of one month from receipt of this order. The

respondent-Department would, however, be at liberty to recover the said amount from the erring official/officer as per law.

Petition stands disposed of accordingly.

MAY 01, 2024
rajender

(VINOD S. BHARDWAJ)
JUDGE

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