

2024:PHHC:114871



**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

121

**CWP-21861-2024
Date of decision: 03.09.2024**

DINESH KUMAR GUPTA

.....Petitioner

VERSUS

STATE OF PUNJAB AND OTHERS

.....Respondents

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

Present:- Petitioner in person.

Ms. Akshita Chauhan, DAG, Punjab.

VINOD S. BHARDWAJ, J. (Oral)

The instant petition has been filed seeking directions to the respondents No.1 to 5, to release the admitted and payable outstanding legal fees to the petitioner forthwith, in terms of Annexures P-14 to P-16 dated 26.06.2023, 30.06.2023 and 22.06.2023, alongwith interest @ 15% per annum.

Petitioner in person contends that he was engaged by the respondents No.2 to 4, to defend themselves in the three arbitration cases which stood filed before the Punjab Infrastructure Regulatory Authority at Mohali. That, in respect of all the three cases, the petitioner was engaged to be paid fees and the uniform rate of Rs. 1,25,000/- plus per hearing fee @ 16,500/- besides expenses of Rs. 15,000/- in each case. The petitioner raised its bill dated 22.04.2022 in all the three matters which was forwarded by the

**CWP-21861-2024****-2-**

respondents No. 2 to 4 to the respondent No.1 for the release of budget amounting to Rs. 10,64,000/- in all to be paid to the petitioner and the copy of the request letter dated 26.06.2023, 30.06.2023 and 22.06.2023 are appended as Annexures P-14 to P-16. However, after having waited for a long period to receive the due payment, the petitioner has served a Legal notice dated 25.01.2024 to the respondent-authorities but still the due payment of the petitioner has not been released by them.

Petitioner in person further contends that the Sub Divisional Engineer vide letters dated 26.06.2023 and 30.06.2023 to the Executive Engineer, Construction Divisions, PWD, Rupnagar and vide letter dated 22.06.2023 to the Superintending Engineer, Construction Division No. 2, PWD (B & R) Branch, Patiala acknowledged the liability of the respondent-authorities to pay the amount in question but they submitted that the funds in question are to be received from the competent authority and the payment shall be made upon receipt of such funds. Hence, the liability in question is not disputed but is only delayed on account of internal exigencies.

Notice of motion.

Ms. Akshita Chauhan, DAG, Punjab appears and accepts notice on behalf of respondents.

Learned counsel appearing on behalf of the respondents is unable to dispute the factual aspect as stated in the aforesaid letters appended as Annexures P-14 to 16. Hence, the factual aspects stand uncontroverted and undisputed.



CWP-21861-2024

-3-

In view of the abovesaid undisputed facts as regards the allotment of work, its satisfactory execution and the liability to pay, it is deemed expedient to dispose of the present petition with a direction to Respondent No.3-Executive Engineer, Construction Division, PWD (B&R), Anandpur Sahib to release the admitted liability in favour of the petitioners within a period of three months from the date of receipt of a certified copy of this order.

The petition is accordingly disposed of.

(VINOD S. BHARDWAJ)
JUDGE

SEPTEMBER 03, 2024
Vishal Sharma

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