

LPA-844-2023(O&M)

-1-

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

(244)

LPA-844-2023(O&M)

Date of Decision : 12.11.2025

State of Punjab & ors.

.. Appellants

Versus

M/s Sharma Construction Co.

.. Respondent

**CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI
HON'BLE MR. JUSTICE VIKAS SURI**

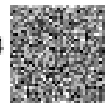
Present: Mr. Rahul Rampal, Addl.A.G., Punjab.

Mr. A.P.S. Srawaan, Advocate
for the respondent.

HARSIMRAN SINGH SETHI J. (ORAL)

1. In the present petition, challenge is to the order dated 17.08.2022 passed by learned Single Judge in CWP-3553 -2016, vide which a direction has been given that the amount which has already been verified by the concerned Engineer and is due to respondent qua the maintenance work executed by him for the first three years of the contract entered into between State and respondent-contractor, be released.

2. Learned counsel for the appellants argued that the bills for the work done by respondent, were not submitted by the respondent on time and the same were not verified due to which the payment claimed by respondent could not be made, whereas the finding, which has been recorded by the learned Single Judge in the impugned order is that keeping in view the facts brought on record, the bills were duly submitted by the respondent-

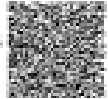
**CWP-23088-2023****-2-**

contractor and in case the same did not get verified, the said fault is to be considered as attributable to the appellants for which fault the payment due to contractor cannot be defaulted.

3. Learned counsel for the appellant has not been able to dislodge the said finding recorded by the learned Single Judge.

4. Learned counsel for the appellants has further argued that vide the impugned order, learned Single Judge has directed the appellant to make payment to respondent-contractor for the work done by respondent, even though the department is of the view that work assigned to respondent has not got executed in the manner required. On being asked to point out any letters/communication, which have been written by the appellants to the contractor with regard to the work executed in the last three years of entering into the contract that the work performed by him is not up to the satisfaction of the department, learned counsel for the appellants has not been able to point out any such letter on record. The letters, which have been brought on record, are only with regard to the submission of the maintenance bill but nothing has come on record to show that the work of maintenance as has been entrusted to the respondent-contractor, was not being done or that same was not done in manner required. That being so, the direction given by the learned Single Judge in the impugned order that the bills which have been verified by the concerned Engineer qua the maintenance work executed by respondent be released to the respondent-contractor, cannot be treated as perverse either on facts or law.

5. Learned counsel for the respondent has submitted that the respondent was executing the similar work in the other division for which work also the claim for payment was raised and the same order was passed



LPA-844-2023(O&M)

-3-

by learned Single Judge qua the said maintenance work as well, which order has already been complied with, whereas the present order has been impugned.

6. That being so, once a similar order already stands complied with, raising the plea qua the other order is otherwise not maintainable. No ground is made out to interfere in the impugned order.

7. Dismissed.

8. As half of the amount admissible to respondent-contractor has already been paid under the order passed by the Court, the remaining amount should also be released in favour of the contractor and the fixed deposit, which has been deposited by the contractor as a security against the said half amount released to respondent-contractor under the order of the Court, be released back to the contractor. Let the same be complied with within a period of 8 weeks from the date of receipt of copy of the order.

9. Any civil miscellaneous application pending if any, also stands disposed of.

(HARSIMRAN SINGH SETHI)
JUDGE

12.11.2025

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(VIKAS SURI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No