



CWP-7812-2025 and
CWP-7549-2025

106(2 cases)

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

(1) CWP-7812-2025

Rajender Contractor

...Petitioner

Versus

State of Haryana and others

...Respondents

(2) CWP-7549-2025

Rajender Contractor

...Petitioner

Versus

State of Haryana and others

...Respondents

Date of decision:-20.08.2025

CORAM: HON'BLE MR.JUSTICE SUVIR SEHGAL

Present: Mr. Jagdeep Singh Rana, Advocate,
Mr. Tushar Garg, Advocate and
Mr. Arvind Kumar Bangar, Advocate
for the petitioner in both cases.

Mr. Ravish Kaushik, Addl. A.G., Haryana
for respondents No.1 and 2 in both cases.

Mr. Shubham Sharma, Advocate and
Mr. Arvind Seth, Advocate for
Mr. Rajesh Gaur, Advocate
for respondents No.3 and 4 in both cases

SUVIR SEHGAL, J.



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1. This order shall dispose of both the above-noted writ petitions as they involve common questions of law and fact. For the sake of convenience, factual position is being taken from CWP-7812-2025.

2. Petitioner has approached this Court *inter alia* praying for issuance of a writ in the nature of mandamus directing the respondents to release the admitted payment of Rs. 27,99,962/- along with interest for the work done.

3. Mr. Jagdeep Singh Rana Advocate, submits that the petitioner is an empanelled contractor and has executed various works on behalf of respondents. He submits that petitioner was allotted work of “Hiring of pumps and Generator sets including diesel for disposal of sewerage water near Community Centre in Sector 09, Ward No. 14, Municipal Corporation, Gurugram”, Annexure P1, which has been satisfactorily completed by the petitioner within the stipulated time. Counsel submits that the petitioner submitted bills for the executed work. He states that file for grant of ex-post facto approval and release of payment was processed by the respondents as is apparent from Annexure P3, and when the payment was not made, petitioner served a legal notice dated 25.08.2024, Annexure P4, before approaching this Court.

4. Upon notice, writ petition has been contested by the respondents by filing a short reply. Pursuant to an interim order passed by this Court, an affidavit has been filed by Sh. Vikas Gupta, IAS Commissioner and Secretary to Government of Haryana, Urban Local



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Bodies Department, wherein, it has been stated that the work was allotted by the Municipal Corporation, Gurugram and all civil works undertaken by municipalities are mandatorily processed through the Haryana Engineering Works portal. It has been submitted that a Standard Operating Procedure has also been circulated vide Notification dated 29.03.2022, Annexure R6, to streamline the execution of emergency repair and maintenance of work related to public utilities. A categorical stand has been taken, on the basis of intimation received from the Commissioner, Municipal Corporation, Gurugram, that no prior approval from the competent authority was obtained for engaging the petitioner for the work and the procedural requirements were not complied with by the concerned officials of the Corporation. Two officials of the Corporation Sh. Andeep, Junior Engineering and Sh. Narender Panwar, Assistant Engineer were prima facie found responsible for the procedural lapse. It has been stated that disciplinary action against the identified officials is under consideration. It has been emphasised that work order was never issued to the petitioner nor any formal contract agreement was entered into between the parties. It has been submitted that the claim for payment is unjustified and appears to be a result of collusion between the petitioner and some officials.

5. Learned State counsel has placed on record a copy of communication bearing memo No.Tech/Sect.-VI/DGULB/2025/2867 dated 28.07.2025 to state that file has been sent to the Chief Minister, for grant of approval for referring the matter to State Vigilance and Anti



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Corruption Bureau for thorough investigation.

6. I have heard learned counsel for the parties and considered their respective submissions besides examining the documents appended with the paper book.

7. There is no material on record to show that any work order was placed upon the petitioner or any formal contract agreement was executed between the parties in accordance with the established procedure. The respondents have denied the amount allegedly claimed by the petitioner on account of the work executed by him. A stand has been taken that prior approval has not been taken from the competent authority and that the mandatory procedural permissions were not obtained. Two officials of the Municipal Corporation have *prima facie* been found to be responsible for the procedural lapse. Administrative action has been recommended against them as it seems to be a case of collusion between the contractor and some corrupt officials. Matter is in the process of being referred to the State Vigilance and Anti Corruption Bureau after getting the requisite approval. In the absence of any contract agreement or work order or admission of the amount claimed by the petitioner, direction as sought for cannot be issued.

8. In *Union of India Vs. M/s Puna Hinda (2021) 10 SCC 690*, Supreme Court has held that the writ Court cannot enter into the realm of disputed question of fact. In respect of pure contractual matters in field of private law, parties are best left to seek adjudication by the forum, if any, agreed to between them.



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9. In view of the above discussion, there is no merit in the writ petition which is dismissed with no order as to costs.

10. As the respondents are contemplated initiation of departmental proceedings against some employees and the matter has been referred to the Chief Secretary, Haryana, Respondents No. 1 and 2 are directed to file status report before this Court after two months.

11. List for compliance on 28.10.2025

20.08.2025
Brij

(SUVIR SEHGAL)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No