



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

**CWP No.35074-2025 (O&M)
Date of Decision: 17.04.2026**

M/s Mukesh & Brothers Infrastructure

....Petitioner

vs.

State of Haryana and others

....Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr. Varun Dhanda, Advocate
Ms. Yamini Nain, Advocate
for the petitioner

Mr. Akshit Pathania, A.A.G, Haryana

Mr. Bhupender Singh, Advocate
for respondents No. 2 to 7

JAGMOHAN BANSAL, J. (ORAL)

1. The petitioner through instant petition under Article 226 of the Constitution of India is seeking direction to respondents to release payment with respect to work carried out by it for the respondents along with interest @ 12% per annum.

2. Learned counsel for the petitioner submits that as per oral directions of respondent authorities, petitioner being a regular government contractor carried out work for respondent. Respondent constituted a Committee to ascertain nature of work and consideration payable. The Committee vide its report dated 07.05.2024 concluded that petitioner is



entitled to a sum of Rs. 14,97,266.00. Despite findings of the Committee, respondent did not make payment.

3. Learned counsel for Municipal Corporation, Gurugram (for short "Respondent-Corporation") submits that there was no written contract executed between the parties. In the absence of work contract, the Respondent-Corporation cannot make payment. The petitioner on the oral request of authorities carried work for which Respondent-Corporation cannot be made liable to pay. The work was further carried out in an unapproved area.

4. On being confronted with Committee's report dated 07.05.2024, learned counsel for Respondent-Corporation expressed his inability to controvert that aforesaid report has been prepared by officials of the Respondent-Corporation and it is not a forged document.

5. Heard the arguments and perused the record.

6. The Respondent-Corporation with respect to claim of the petitioner constituted a Committee which submitted its report dated 07.05.2024. The report of the Committee reads as:-

"Subject: Pipe line Crossing Permission for special repair balance road with M-40 grade RMC in Sector-37 II Pace City, (Industrial area) U/E Gurugram.

The above said works was allotted to Mukesh & Brothers Infrastructure vide work order no. EE-I/MCG/2017/55755 Dt: 17.10.2017 for amounting to Rs. 31.28 Lacs. Pipe line Crossing Permission for special repair balance road with M-40 grade RMC in Sector-37 II Pace City, (Industrial area) U/E Gurugram. 1" running bill was paid to agency for amounting to Rs.1597375/-. After that the balance



work was executed by the agency on another site on verbal directions of the then executive engineer. Bill was not paid to the agency and agency file a complaint in grievance committee meeting and directions were issued by Chairman Grievance committee for release of payment. A committee was constituted by Higher authorities comprising of the officer Hari Parkash AE, Naim Hussain AE, Subham JE and Sarjeet JE to check the work done and prepare the bill of the work executed by the agency. The committee has visited the site and measurement of the work has been done. The work was found executed but the area lies in unauthorized area. In the compliance of directions of higher authorities the bill for the executed work has been prepared. 2nd & Final bill has been prepared by the committee for amounting to Rs. 3248814.00 (including 1st running bill) gross amount and the net payment Rs. 1497266.00 payable to agency. The hidden item record entries has been made by Sh Himanshu the then je and bill has been prepared (by committee) by JE's (Sarjeet and Subham) in MB. No. 1934 Page No. 050 to 058 and measurement check by AE's (Naim Hussain and Hari Parkash).

Committee report along with bill submitted for kind consideration (if agree) and further necessary approval and release of payment please.”

7. The respondent is rejecting petitioner's claim on the sole ground that there was no work order and work was carried out in an unapproved area. It is true that payment cannot be released without work order, however, if petitioner has worked on the assurance of respondent that post-facto



approval would be granted, it cannot deny its payment. The respondent is bound to consider its report dated 07.05.2024 and release the payment.

8. From the perusal of aforesaid report, it is evident that Respondent-Corporation has conceded that petitioner has executed work on verbal directions of Executive Engineer. In view of findings of the Committee, it is evident beyond pale of doubt that petitioner had carried out work at the instance of Respondent-Corporation. Once it is undisputed that petitioner has carried out work at the instance of Respondent-Corporation, there is no occasion to deny payment.

9. In the backdrop, the petition stands disposed of with a direction to Respondent-Corporation to release admitted liability within three months from today failing which it shall be liable to pay interest @ 9% per annum from the expiry of aforesaid period.

10. Pending Misc. application(s), if any, shall stand disposed of.

(JAGMOHAN BANSAL)
JUDGE

17.04.2026
paramjit

Whether speaking/reasoned:	Yes	
Whether reportable:	Yes	