

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

CWP Nos.13423 & 13428 of 2025

Decided on: 21.08.2026

1. CWP No. 13423 of 2025

M/S NDN Constructions

.....Petitioner

Versus

Chief Engineer (Civil) BSNL and Ors.

....Respondents

1. CWP No. 13428 of 2025

M/S NDN Constructions

.....Petitioner

Versus

Chief Engineer (Civil) BSNL and Ors.

....Respondents

Coram

Ms. Justice Jyotsna Rewal Dua

Whether approved for reporting?¹

For the Petitioner(s): Mr. Suneet Goel, Sr. Advocate with
Mr. Vivek Negi, Advocate, in both the
matters.

For the Respondents: Mr. Vijay Kumar Arora, Sr. Advocate
with Mr. Gaurav Kumar, Advocate, for
respondents No. 1 and 2, in both the
matters.

Ms. Menka Raj Chauhan, Deputy
Advocate General for respondent No.3.

¹Whether reporters of print and electronic media may be allowed to see the order? Yes.

Jyotsna Rewal Dua, Judge

Petitioners have claimed release of admitted payments lying outstanding to their credit, to be paid by respondents No. 1 and 2 in both the petitions.

2. Vide order passed on 07.05.2026 in these writ petitions, respondents were directed to ensure that payments due to the petitioners towards completed work are released in their favour by the next date. The matters were, however, adjourned to the next date as previous order had not been complied by granting the respondents final opportunity to do the needful.

Following order was passed in the matter on 03.07.2026:-

“On 07.05.2026, the respondents were directed to ensure the release of the payments due to the petitioner towards his completed works by the next date, i.e. 02.06.2026. The direction was not complied with, therefore, on the request of learned Deputy Advocate General, on 02.06.2026, the matter was adjourned to today as final opportunity for complying with the order.

The admitted liability towards the petitioner has still not been discharged by the respondents. The contract in question was executed between the petitioner and respondents No.1 & 2-BSNL, which, in turn, has claimed the contract amount from the respondent-State.

Learned Deputy Advocate General submits that the respondent-State is in the process of releasing the amount to BSNL for its onward release to the petitioner. Let respondents No.1 to 3 release the admitted amount due to the petitioner within two weeks from today. This opportunity is granted purely by way of indulgence, failing which the respondents shall remain present in the Court on the next date.

List on 20.07.2026.”

Admitted financial liability towards the petitioners was still not cleared by the respondents. This resulted into following order, passed in the matter on 20.07.2026:-

“Sh. Subhash Chand Prashan, Director, H.P. Forest Academy, Sunder Nagar, Sh. Dinesh Sharma, Joint Director, Department of Technical Education, Sundernagar, Dr.Rajeev, Director-cum- Principal, JN Govt. Engineering College, Sundernagar and Sh. Anil Kumar Sharma, Executive Engineer, BSNL Civil, Division Sundernagar, H.P. have attended the hearing.

Learned Senior Counsel for respondents No. 1 and 2/BSNL submits that there is no dispute qua financial liability due to the petitioner, however, respondents No. 1 and 2 presently are not in possession to liquefy their financial obligations towards the petitioner(s), hence, six weeks be granted to the respondents No.1 and 2 for discharging their financial obligations.

Learned Senior Counsel for the petitioner(s) opposes the defence and seeks release of admitted liability towards the petitioner(s).

List both these matters on 29.07.2026.”

On 18.08.2026, learned Senior Counsel for respondents No.1 and 2 submitted that admitted liability towards the petitioners for the subject works involved in these writ petitions had been cleared by the respondents. At the request of learned Senior Counsel for the petitioners, matters were adjourned to enable him to have instructions.

3. During the course of today's hearing, learned Senior Counsel for the petitioners submitted that though the respondents have released the liability admitted by them towards the petitioners for the subject works involved in both the writ petitions, however, in every bill, the GST amount, though has been passed by the respondents for being released in favour of the petitioners, yet it has not been paid to them.

Learned Senior Counsel for respondents No. 1 and 2 submitted that GST amount has not been released to the petitioners as the petitioners have not yet shown proof of payment of the GST and as soon as the documents evidencing deposit of GST is produced by the petitioners, the same shall also be released in their favor.

Learned Senior Counsel for the petitioners

submitted that petitioners have already deposited GST amount for the subject works and that petitioners would be ready and willing to produce the receipts/documents evidencing such payment before respondents No. 1 and 2.

4. In view of above, these writ petitions are disposed of with liberty reserved to the petitioners to produce the documents, reflecting deposit of GST amount by the petitioners for the subject works involved in these writ petitions to respondents No.1 and 2, within a week from today. After ascertaining the said factum, respondents No. 1 and 2 shall release the withheld GST amount to the petitioners within two weeks thereafter. Liberty, however, is reserved the petitioners to seek appropriate remedy in accordance with law for the redressal of their surviving grievances, if any, arising out of subject works involved in these writ petitions.

Pending miscellaneous application(s), if any, also to stand disposed of.

August 21, 2026
R.Atal

Jyotsna Rewal Dua
Judge