



2026:CGHC:13109-DB

NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****WPC No. 1202 of 2026**

M/s PMD Infracon, a duly registered partnership firm under the Indian Partnership Act, 1932 And Having Its Office At C-117, Sector-1, Devendra Nagar, Raipur 492001, Through Its Partner, Mr. Jasbir Singh Chawla, S/o Late Shri Dilip Singh Chawla, Aged About 62 Years, R/o C-117, Sector-1, Devendra Nagar, Raipur 492001, P.S. Devendra Nagar, Raipur Chhattisgarh

... Petitioner**versus**

1 - Union of India Through Office of The Chief Engineer - Regional Officer, Ministry of Road Transport And Highways, NH Campus, Pension Bada, Raipur - 492001 Chhattisgarh

2 - State of Chhattisgarh Through Its Secretary, Public Works Department, Mantralaya, Mahanadi Bhawan, Atal Nagar, Nava Raipur, District Raipur Chhattisgarh

3 - Office of The Chief Engineer Public Works Department, National Highway Zone, N.H. Campus, Pension Bada, Raipur Chhattisgarh

4 - Office of The Superintending Engineer P.W.D., N.H. Circle, Bilaspur Chhattisgarh

5 - Office of The Executive Engineer Public Works Department, National Highway Division, P W D Building, Bodri, Bilaspur Chhattisgarh

... Respondents

For Petitioner : Mr. Manoj Paranjpe, Senior Advocate assisted by Mr. Ashish Pandey, Advocate

For Respondent : Mr. Ramakant Mishra, Dy. Solicitor General
No.1 / UOI

For Respondent : Mr. Shashank Thakur, Addl. Advocate General
Nos.2 to 5 / State

Hon'ble Shri Ramesh Sinha, Chief Justice
Hon'ble Shri Ravindra Kumar Agrawal, Judge

**Order on Board****Per Ramesh Sinha, Chief Justice****19.03.2026**

1. Heard Mr. Manoj Paranjpe, learned Senior Advocate assisted by Mr. Ashish Pandey, learned counsel for the petitioner. Also heard Mr. Ramakant Mishra, learned Deputy Solicitor General, appearing for the UOI/ respondent No.1 and Mr. Shashank Thakur, learned Additional Advocate General, appearing for the State/ respondent Nos. 2 to 5
2. The present writ petition has been filed by the petitioner with the following prayers:

“10.1 The Hon'ble Court may be pleased to issue a writ of mandamus and/or any suitable order directing the Respondents to release the admitted payment amount of 40,94,853/- (Rupees Forty Lakhs Ninety Four Thousand Eight Hundred Fifty Three Only) of the Petitioner under supplementary bill dated 26.11.2025 in terms of clause 43.1 of the contract dated 27.03.2023.

10.2 The Hon'ble Court may kindly grant any other ancillary relief by issuing any other suitable writ, direction or order, as it may deem fit in the facts and circumstances of the case.

10.3 The Hon'ble Court may kindly be pleased to award costs of this Petition in favor of the Petitioner.”

3. Learned Senior Advocate appearing for the petitioner submitted that Petitioner herein is aggrieved by the inaction on the part of



Respondent No.3 and Respondent No.4 in withholding the admitted dues of the Petitioner amounting to 40,94,853/- (Rupees Forty Lakhs Ninety Four Thousand Eight Hundred Fifty Three Only), despite completion of the contractual work by the Petitioner to the full satisfaction of the concerned department and verification of the executed work. He further submitted that the Respondent authorities have themselves expressly acknowledged, through their official communications (copies whereof have also been addressed to the Petitioner), that the aforesaid amount is duly payable to the Petitioner. Notwithstanding such clear and unequivocal admission, the Respondents have failed to release the legitimate payments due to the Petitioner and have been arbitrarily delaying the settlement of the admitted dues without any lawful justification, thereby causing serious financial prejudice to the Petitioner.

4. On the other hand, learned counsel appearing for respondents have submitted that a Committee has already been constituted for redressal of the grievance of the petitioner.
5. We have learned counsel for the parties, perused the materials appended with writ petition.
6. It is settled law that the High Court should not exercise its jurisdiction under Article 226 of the Constitution of India when it raises disputed question of facts.
7. The Hon'ble Supreme Court in the case of ***Chairman, Grid***



Corporation of Orissa Ltd. (GRIDCO) & Others v. Sukamani

Das (Smt.) & Another, reported in (1999) 7 SCC 298 was dealing with the question of whether the High Court had made an error in entertaining a writ petition filed seeking compensation for the death of a person due to electrocution, which had allegedly been caused due to the negligence of the authorities. The Hon'ble Supreme Court in the said case observed as under:

"6. In our opinion, the High Court committed an error in entertaining the writ petitions even though they were not fit cases for exercising power under Article 226 of the Constitution. The High Court went wrong in proceeding on the basis that as the deaths had taken place because of electrocution as a result of the deceased coming into contact with snapped live wires of the electric transmission lines of the appellants, that "admittedly/prima facie amounted to negligence on the part of the appellants". The High Court failed to appreciate that all these cases were actions in tort and negligence was required to be established firstly by the claimants. The mere fact that the wire of the electric transmission line belonging to Appellant 1 had snapped and the deceased had come in contact with it and had died was not by itself sufficient for awarding compensation. It also required to be examined whether the wire had snapped as a result of any negligence of the appellants and under which circumstances the deceased had come in contact with the wire. In view of the specific defences raised by the appellants in each of these cases they deserved an opportunity to prove that proper care and precautions were taken in maintaining the transmission lines and yet the wires



had snapped because of circumstances beyond their control or unauthorised intervention of third parties or that the deceased had not died in the manner stated by the petitioners. These questions could not have been decided properly on the basis of affidavits only. It is the settled legal position that where disputed questions of facts are involved a petition under Article 226 of the Constitution is not a proper remedy. The High Court has not and could not have held that the disputes in these cases were raised for the sake of raising them and that there was no substance therein. The High Court should have directed the writ petitioners to approach the civil court as it was done in OJC No. 5229 of 1995."

(emphasis supplied)

8. The aforesaid judgment has been relied/ reiterated by the Hon'ble Supreme Court in ***S.P.S. Rathore v. State of Haryana & Others***, reported in ***(2005) 10 SCC 1*** wherein it observed as follows:

"16. In Chairman, Grid Corpn. of Orissa Ltd. (Gridco) v. Sukamani Das [(1999) 7 SCC 298] the question which arose for consideration was, can the High Court under Article 226 of the Constitution award compensation for death caused due to electrocution on account of negligence, when the liability was emphatically denied on the ground that the death had not occurred as a result of negligence, but because of an act of God or of acts of some other persons. The Court held that it is the settled legal position that where disputed questions of facts are involved, a petition under Article 226 of the Constitution is not a proper remedy. Therefore, questions as to whether death occurred due to



negligence or due to act of God or of some third person could not be decided properly on the basis of affidavits only, but should be decided by the civil court after appreciating the evidence adduced by the parties. In T.N. Electricity Board v. Sumathi [(2000) 4 SCC 543] it was held that when a disputed question of fact arises and there is clear denial of any tortious liability, remedy under Article 226 of the Constitution may not be proper. The Court carved out exception to this general rule by observing that, it should not be understood that in every case of tortious liability, recourse must be had to a suit. When there is negligence on the face of it and infringement of Article 21 is there, it cannot be said that there will be any bar to proceed under Article 226 of the Constitution."

(emphasis supplied)

9. Similarly, the Hon'ble Supreme Court in ***Shubhas Jain v. Rajeshwari Shivam***, reported in **2021 SCC OnLine SC 562** has held as under:

"26. It is well settled that the High Court exercising its extraordinary writ jurisdiction under Article 226 of the Constitution of India, does not adjudicate hotly disputed questions of facts. It is not for the High Court to make a comparative assessment of conflicting technical reports and decide which one is acceptable."

10. Subsequently, in ***Union of India vs. Puna Hinda***, reported in **(2021) 10 SCC 690**, the Hon'ble Supreme Court has observed:

"24. Therefore, the dispute could not be raised by way of a writ petition on the disputed questions of fact. Though, the jurisdiction of the High Court is wide but in



respect of pure contractual matters in the field of private law, having no statutory flavour, are better adjudicated upon by the forum agreed to by the parties. The dispute as to whether the amount is payable or not and/or how much amount is payable are disputed questions of facts. There is no admission on the part of the appellants to infer that the amount stands crystallised. Therefore, in the absence of any acceptance of joint survey report by the competent authority, no right would accrue to the writ petitioner only because measurements cannot be undertaken after passage of time. Maybe, the resurvey cannot take place but the measurement books of the work executed from time to time would form a reasonable basis for assessing the amount due and payable to the writ petitioner, but such process could be undertaken only by the agreed forum i.e. arbitration and not by the writ court as it does not have the expertise in respect of measurements or construction of roads.”

11. Recently, the Hon'ble Supreme Court in the case of ***M.P. Power Management Co. Ltd. v. Sky Power Southeast Solar India (P) Ltd.***, reported in ***(2023) 2 SCC 703***, while dealing with the issue of exercise of writ jurisdiction by a Court in matters arising out of a contract, has stated:

“82.7. The existence of an alternate remedy, is, undoubtedly, a matter to be borne in mind in declining relief in a writ petition in a contractual matter. Again, the question as to whether the writ petitioner must be told off the gates, would depend upon the nature of the claim and relief sought by the petitioner, the questions, which would have to be decided, and, most



importantly, whether there are disputed questions of fact, resolution of which is necessary, as an indispensable prelude to the grant of the relief sought. Undoubtedly, while there is no prohibition, in the writ court even deciding disputed questions of fact, particularly when the dispute surrounds demystifying of documents only, the Court may relegate the party to the remedy by way of a civil suit.”

(emphasis supplied)

12. A reading of the aforesaid judgments makes it clear that it is well settled proposition of law that when there are disputed question of facts involved in a case, the High Court should not exercise its jurisdiction under Article 226 of the Constitution of India. It has been held that the remedy under Article 226 of the Constitution of India may not be proper.
13. In the present cases, the relief for issuance of direction to release the admitted payment of the petitioner under supplementary bill is contingent upon the resolution of the disputed question of facts raised, and these questions cannot be adjudicated under Article 226 of the Constitution of India. In view of the aforesaid, it would not be appropriate for this Court to entertain the present writ petition as disputed questions of fact are involved.
14. Considering the submissions advanced by learned counsel for the parties, further considering the disputed questions of facts are involved in this writ petition, the reliefs sought by the petitioner and in view of law laid down by the Hon'ble Supreme Court in the



above-stated judgments (supra), we do not find any good ground to entertain these writ petitions.

15. Accordingly, the present writ petition being devoid of merit is liable to be and is hereby **dismissed**. However, liberty is reserved in favour of the petitioner to take recourse to other alternate remedies available to him under the law. No cost(s).

Sd/-
(Ravindra Kumar Agrawal)
Judge

Sd/-
(Ramesh Sinha)
Chief Justice