



**HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JODHPUR**

S.B. Civil Writ Petition No. 20850/2024
CNR: RJHC010973692024 | URN: CW / 39841U / 2024

M/s Shiv Shakti Electro Construction, C/s Vishnu Hair Dresser, Ganesh Hotel, Ajmer Road, Jodhpur Through Its Proprietor Shri Ramkishore Choudhary S/o Shri Madha Ram Choudhary, Aged About 49 Years Resident Of Near Vishnu Hair Dresser, Ganesh Hotel, Ajmer Road, Jodhpur.

-----Petitioner

Versus

1. The Managing Director, Jodhpur Vidhyut Vitran Nigam Ltd., New Power House, Jodhpur, Rajasthan.
2. The Superintending Engineer (Dc), Jodhpur Vidhyut Vitran Nigam Ltd., Bnbnb Old Power House, Near Central Jail, Ratanada, Jodhur (Raj.).

-----Respondents

For Petitioner(s) : Mr. Nitin Goklani
For Respondent(s) : Mr. Kanishk Singhvi.

HON'BLE DR. JUSTICE NUPUR BHATI
Order

26/10/2026

1. The instant writ petition has been filed by the petitioner under Article 226 of the Constitution of India with the following prayers:

".....xxxxxxx
A/ By an appropriate writ order or directions, the respondent may kindly be directed to make payment of 24,49,458.90/- for the work executed by the petitioner for erection of new 11 KV U/G lines with XLPE cable from 33/11 KV S/S Aaurvedic for NDS category in pursuance to the work order dated 18.05.2023(ANX-08) in pursuance to the tender dated 02.08.2022(ANX-01); B/ By an appropriate writ order or directions, the respondents may kindly be directed to pay the interest for not making payment on time;
.....xxxxxxx"

2. Brief facts of the case are that the petitioner is engaged in construction activities and in the erection of electricity lines



throughout the State of Rajasthan. On 02.08.2022, the respondents issued a tender for "laying of new 11 KV XLPE cable 3Cx185 sqmm, 1.00 KM (1-1) (Three Phase) as declared feeder." The petitioner, being qualified and interested, submitted its bid for "Erection of new 1 KM 11 KV U/G line with XLPE Cable from 33/11 KV S/S Aaurvedic for NDS Category connection of DOIT&C Fintech Digital University at Village Karwar, under Sub-Division Mandore, District Circle Jodhpur, on CLRC 2020." The tender amount was Rs. 10,13,981.50/-. Pursuant thereto, the respondents issued a work order in favour of the petitioner vide work order dated 18.05.2023, and the petitioner commenced execution of the work. During execution, the Air Force raised objections to carrying the line through the defence area. Consequently, the respondents issued a revised "G" Schedule (BOQ) vide letter dated 14.06.2023 and directed the petitioner to execute the work along a revised route. Owing to the change in the line map, the petitioner was required to erect approximately 3 KM of 11 KV U/G line, i.e., 2 KM in excess of the originally awarded work. The cost of the work accordingly increased from Rs. 10,13,981.50/- to Rs. 24,49,458.90/-. The respondents allotted the requisite material for the revised route. At the commencement of the work, the respondents assured the petitioner that payment for the additional work necessitated by the change in the line map would be made in accordance with the rules. After completion of the entire work, however, the respondents have not released payment for the additional 2 KM of 11 KV line erected by the petitioner, despite the petitioner having submitted representations for release of the payment. In the note-sheet proceedings between the officials of



the respondents, it was observed that only 50% of the original tender amount could be granted for the work executed by the petitioner. Aggrieved by the non-payment of the amount due for the additional work executed pursuant to the revised route, the petitioner has approached this Court by way of the present writ petition.

3. At the outset, learned counsel for the petitioner submits that the issue involved in the present writ petition is squarely covered by the order dated 08.03.2019 passed by the Hon'ble Supreme Court in ***M/s Surya Constructions v. State of Uttar Pradesh, (2019) 16 SCC 794***, in Civil Appeal No. 2610 of 2019, arising out of Special Leave Petition (C) No.29505 of 2014, wherein, in identical facts and circumstances, the appeal was disposed of.

4. Counsel for the respondents, while not being in a position to dispute that the issue involved in the present writ petition is covered by the decision in ***M/s Surya Constructions (supra)***, submits that the petitioner has an alternative remedy of filing a representation under Condition No.43 of the Work Order (Annex. R-1/1).

5. Counsel for the petitioner, on the other hand, submits that the Hon'ble Supreme Court in ***M/s Surya Constructions (supra)*** has dealt with the objection and as held that it is well settled that where the State behaves arbitrarily, even in the realm of contract, the High Court could interfere under Article 226 of the Constitution of India.

6. Having considered the submissions advanced by learned counsel for the parties and in view of the decision of the Hon'ble Supreme Court in ***M/s Surya Constructions (supra)***, the



present writ petition is disposed of in the same terms. The respondents are directed to make the necessary payment to the petitioner within a period of six weeks from the date of this order.

7. It is not in dispute that the work was completed in the year 2023, yet the respondents have failed to release the payment despite the lapse of nearly three years. Accordingly, the necessary amount shall be payable along with interest at the rate of 6% per annum.

8. The stay application and all other pending applications, if any, also stand disposed of accordingly.

(DR. NUPUR BHATI),J

Crt_10 (1838)
D-A/1
Surbhi Sharma