

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
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CWP No. 5042 of 2015

Date of Decision: April 27, 2015

Mool Bhartiya Builders

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Akshay Jain, Advocate,
for the petitioner.

AUGUSTINE GEORGE MASIH, J. (ORAL)

It is the contention of the counsel for the petitioner that work order No. 4772 dated 21.02.2012 (Annexure P-2) assigned to the petitioner for construction of passage to the parking area, brick paving, filling of earth and other connected works (Group 1) at Nehru Memorial College, Mansa for Kabbadi Tournament was completed by the petitioner and duly recorded the construction work in the Measurement Book No. 126155 at Pages 196 to 200. An amount of ₹ 91,716/- is still outstanding against the respondent-department. The officials have also acknowledged the fact that the work has been satisfactorily completed by the petitioner and accordingly, have requested the Deputy Commissioner, Mansa to release the funds for making payment to the petitioner. In this regard, counsel has referred to the communication by the Executive Engineer Provincial

Division (B&R Branch), Mansa-respondent No. 4 dated 25.08.2014 (Annexure P-3). He contends that notice, through counsel, was also served upon the Executive Engineer Provincial Division (B&R Branch), Mansa-respondent No. 4 on 18.12.2014 (Annexure P-5) but that also has not yielded any result. Counsel contends that he has come to know that the Executive Engineer is unable to release the amount as the funds are to be released by the Deputy Commissioner, Mansa, and till the receipt of the said funds, the claim of the petitioner cannot be granted.

Counsel for the petitioner, thus, contends that the petitioner, at this stage, would be satisfied if a direction is issued to the Deputy Commissioner, Mansa, to consider the request of the Executive Engineer Provincial Division (B&R Branch), Mansa-respondent No. 4 dated 25.08.2014 (Annexure P-3) for release of the funds pertaining to the work, which the petitioner has completed, within some specified time.

In the light of the statement made by the counsel for the petitioner, the present petition is disposed of with a direction to the Deputy Commissioner, Mansa, to consider and take a decision on the communication No. 2389 dated 25.08.2014 (Annexure P-3) addressed to him by the Executive Engineer Provincial Division (B&R Branch), Mansa-respondent No. 4, within a period of two months from the date of receipt of certified copy of the order. Decision so taken be conveyed to the Executive Engineer Provincial Division (B&R Branch), Mansa-respondent No. 4, who shall communicate the same to the petitioner forthwith.

In case the claim of the petitioner is accepted and the amount due to the petitioner, as per the claim, is received by the Executive Engineer Provincial Division (B&R Branch), Mansa-respondent No. 4 , the same would be released to the petitioner within a period of three weeks from the date of receipt of said funds by respondent No. 4.

April 27, 2015
pj

(AUGUSTINE GEORGE MASIH)
JUDGE