

CWP-15520-2017

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

CWP-15520-2017

Date of decision-10.08.2018

M/s P.K.Verma & Company

...Petitioner

Vs.

State of Punjab and others

...Respondents

CORAM:- HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Balbir Singh Jaswal, Advocate for the petitioner.

Ms. Deepali Puri, Addl.AG, Punjab.

Mr. Ashwani Prashar, Advocate for respondent Nos.2 to 5.

JITENDRA CHAUHAN, J. (Oral)

This writ petition under Articles 226/227 of the Constitution of India has been filed for the issuance of a writ, in the nature of mandamus directing the respondents to release the overdue payment of 2nd running bill amounting to more than ₹92 lakh along with interest @ 18% per annum.

Learned counsel for the petitioner contends that the petitioner is a well established contractor and is engaged in construction of various national highways. Respondent No.4 allotted the works to the petitioner/company on terms and conditions as per Annexures P-1 and P-2 on 18.05.2016 and 21.09.2016 respectively. The petitioner has completed the project in all respects according to the specifications and to the entire satisfaction of the authorities within the stipulated period. After inspection of the completed work by the concerned authority, the amount towards the 2nd running bill and other dues to the petitioner/company have not been released

despite issuance of various communications and legal notice (Annexure P-4).

On the other hand, it is asserted by respondent No.2 to 5 that the petitioner has not approached the Court with clean hands and the material facts have been concealed. The project has not been completed so far. Against total tendered amount of ₹186.08 lakh, the work for ₹58.68 lakh is yet to be done, meaning thereby the petitioner has done the work for ₹127.4 lakh only.

Heard.

Keeping in view of the fact that principal amount has been paid and the work allotted to the petitioner has not been completed as asserted in the reply of the respondents and the petitioner has not chosen to file any replication in the given context, the Court feels that the instant petition is pre-mature at this stage, and deserves to be dismissed as such.

Dismissed.

(JITENDRA CHAUHAN)
JUDGE

10.08.2018

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Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No