

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

CM-9154-CWP-2020 in/and
CWP-2175-2020
Date of decision: 16.9.2020

M/s Shree Construction Company**Petitioner.**

vs.

The State of Punjab and others**Respondents.**

CORAM: - HON'BLE MR. JUSTICE SANJAY KUMAR

Present: - M/s R.K.Girdhar and Chirag Girdhar, Advocates
for the petitioner.
Mr. Navdeep Chhabra, Deputy Advocate General, Punjab.

.....

Sanjay Kumar, J. (ORAL)

CM-9154-CWP-2020

Application is ordered and the date of hearing of the main petition
is advanced from 27.11.2020 to today.

CWP-2175-2020

The petitioner-firm is aggrieved by the inaction on the part of the
respondent authorities in releasing its dues to the tune of ₹ 21,00,000/- in
relation to the construction of a Girls Hostel at the Government Medical
College at Patiala. The petitioner-firm claims to have executed this work to the
satisfaction of all concerned.

The petitioner-firm claims to have addressed representations dated 13.4.2019, 11.7.2019 and 9.12.2019 to the authorities in this regard but to no avail. Finally, representation dated 24.12.2019 (Annexure P-3) was addressed by the petitioner-firm to the Managing Director, Punjab Health Systems Corporation, Phase VI, Near Civil Hospital, SAS Nagar, Mohali, the second respondent herein. However, this notice also failed to evoke any response. Hence, this writ petition seeking release of the petitioner-firm's dues along with interest.

Though notice of motion is yet to be ordered in this matter, it may be noted that the case was adjourned twice to enable the learned State counsel to obtain instructions. However, Mr. Navdeep Chhabra, learned Deputy Advocate General, Punjab, would inform this Court that he is yet to receive information. He would further state that it is respondents No. 2 to 5 who would have to deal with the claim.

As this Court does not propose to go into the merits of the matter or the tenability of the petitioner-firm's claim at this stage, it would not be necessary to put respondents No. 2 to 5 on notice or afford them an opportunity of hearing. It is for the authorities of the Punjab Health Systems Corporation to apply their mind to the claim of the petitioner-firm in the first instance. This Court sees no purpose served in adjourning this matter or in keeping it pending for adjudication on merits. It is for the authorities to consider the notices received from the petitioner-firm on their own merits and take appropriate action thereon.

The writ petition is accordingly disposed of directing respondents No. 2 to 5 to consider the petitioner-firm's claim, as per its notice dated 24.12.2019 (Annexure P-3), and take appropriate action thereon. In the event the petitioner-firm's claim is found to be lawful and correct, the payment due shall be released within 4 weeks from the date of receipt of a copy of this order. In the event the authorities dispute the petitioner-firm's claim, in part or in entirety, they shall pass a speaking order to that extent and communicate the same to the petitioner-firm within the time stipulated. It is made clear that if the amount due is released beyond the period stipulated, it shall carry interest @ 6.5 % per annum from the date it fell due till the date of actual payment.

No order as to costs.

(SANJAY KUMAR)
JUDGE

16.9.2020

preeti

whether speaking/non speaking

yes/no

whether reportable/non reportable

yes/no