

**CM-10191-CWP-2020 in/and
CWP-6214-2020**

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

**CM-10191-CWP-2020 in/and
CWP-6214-2020
Date of decision:07.10.2020**

M/s Emm Emm Construction Co.

...Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Rajesh Kumar Girdhar, Advocate,
for the petitioner.

HARNARESH SINGH GILL, J. (ORAL)

Case is taken up for hearing through video conferencing.

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This is an application under Section 151 CPC for early hearing of the main writ petition which is fixed for 25.11.2020, and for disposal of the same in terms of the order dated 02.09.2020 (Annexure A-1) passed in CWP-2155-2020 and for exemption from filing the certified copy of the order dated 02.09.2020.

Heard.

Notice has not been issued in the main writ petition yet.

For the reasons given in the application, hearing in the main writ petition is preponed from 25.11.2020 to that of today and the same is taken up on Board for final disposal.

The applicant-petitioner is also exempted from filing the

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certified copy of the order dated 02.09.2020.

Disposed of.

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The petitioner concern was awarded the work of construction of Panchayat Samiti Building at Block Majri. This work was executed by the petitioner, but the final payment i.e.Rs.30,41,631/-, including Rs.7,15,549/- as security deposit on completion of work, has not been made to the petitioner till date. The letter dated 25.09.2019 (Annexure P-2) sent by the petitioner did not evoke any response, constraining it to approach this Court.

As it is for the authorities concerned to address the claim of the petitioner concern in the first instance, this Court finds no cause to entertain this writ petition for adjudication on merits.

Respondent No.5-Executive Engineer, Panchayati Raj Public Works Division, Vikas Bhawan, Sector 62, SAS Nagar, Mohali, is accordingly directed to consider and take appropriate action upon the letter dated 25.09.2019 (Annexure P-2) sent by the petitioner. This exercise shall be completed expeditiously and in any event, not later than six weeks from the date of receipt of a certified copy of this order.

If respondent No.5 finds that the dues as claimed by the petitioner concern are lawful, the payment shall be made within six weeks thereafter. Any belated payment beyond the stipulated period shall carry interest @ 6.5 % per annum from the date of completion of the work till payment. On the other hand, if respondent No.5 finds that the petitioner is not entitled to the dues, as claimed by it, a speaking order shall be passed

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and communicated to the petitioner concern.

The writ petition is disposed of with the above directions.

No order as to costs.

07.10.2020

parveen kumar

**(HARNARESH SINGH GILL)
JUDGE**

Whether reasoned/speaking?

Yes/No

Whether reportable?

Yes/No