

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP-11245-2020

Date of Decision:-05.08.2020.

M/s Vishvas Construction Company

.....Petitioner

Versus

The State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE SANJAY KUMAR

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

Mr. D.S. Sukarchakia, DAG, Punjab.

SANJAY KUMAR, J. (Oral)

The petitioner concern was awarded the work of upgradation and maintenance of T-07 BSBK Road to Raikhana upto Kotfatta-Bhucho Km 0.00 to 6.60 Km Package No.PB-02-024 under PMGSY-II (Batch-I). This work was executed by the petitioner and the payment due was also released. Thereafter, the petitioner concern attended to maintenance works in relation to this road from 01.04.2018 up to 30.09.2019. Its grievance presently is that the amounts due towards such maintenance works, quantified at Rs.4,86,278/-, have not been released. The petitioner concern's letter dated 27.12.2019 (Annexure P/1) and legal notice dated 02.03.2020 (Annexure P/3) 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, no cause is made out to entertain this writ petition for adjudication on merits.

The Chief Engineer, Punjab Roads & Bridges Development Board, the 3rd respondent herein, is accordingly directed to consider and take appropriate action upon the petitioner's letter dated letter dated 27.12.2019 (Annexure P/1) and legal notice dated 02.03.2020 (Annexure P/3). 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.

In the event the Chief Engineer finds that the dues as claimed by the petitioner concern are lawful, 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 the Chief Engineer finds that the petitioner is not entitled to the dues, as claimed by it, a speaking order shall be passed and communicated to the petitioner concern.

The writ petition is disposed of with the above directions.

No order as to costs.

(SANJAY KUMAR)
JUDGE

August 05, 2020.

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Whether speaking/reasoned:-

Yes / No

Whether Reportable:-

Yes / No.