

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

101

**CWP No.12623 of 2020
Date of Decision: 25.8.2020**

M/S R.S. BUILDERS AND CONTRACTORS

..... **Petitioner**

Vs

STATE OF PUNJAB AND OTHERS

..... **Respondents**

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr.R.K.Girdhar , Advocate,
for the petitioner.

RAJ MOHAN SINGH, J. (ORAL)

The case has been taken up for hearing through video-conferencing.

Petitioner has prayed for issuance of appropriate writ in the nature of mandamus directing the respondents to release the payment of first and final bill amounting to Rs.24,63,260/- in respect of work of renovation of toilets, interior and exterior painting and other associated repair works in Indoor Basket Ball Stadium in Guru Nanak Stadium, Ludhiana.

Learned counsel for the petitioner contends that on allocation of work, petitioner immediately started the work and successfully completed the same on 6.12.2019. Despite completion of work, payment of first and final bill has not been released despite a lapse of more than six months. The bill has

already been entered by the Junior Engineer in the measurement book and also passed the same, endorsing the execution of work by the petitioner as per PWD specifications. The Executive Engineer, Provincial Division, PWD, B&R Branch, Ludhiana has also addressed a communication to the Secretary, Punjab State Sports Council, Chandigarh, requesting that the funds amounting to Rs.116.38 lacs be released to that office immediately so as to escape from any legal complication/ court case arising out of non payment to the petitioner. Despite the aforesaid communication dated 31.7.2020, needful has not been done so far. Even prior to issuance of aforesaid communication, the petitioner has already issued a legal notice under Section 80 CPC to the respondents. In these circumstances, the petitioner has prayed for issuance of appropriate directions to the respondents for releasing the payment along with interest @ 18% per annum on the delayed payment of the amount due to the petitioner.

Notice of motion.

On the asking of the Court, Mr.T.P.S.Chawla, DAG, Punjab accepts notice on behalf of respondents.

In view of nature of order which this Court proposes to pass, there is no necessity of calling upon any response from the respondents as no order prejudicial to interest of any party

is being passed.

In view of above, without meaning anything on the merits of the case, this petition is disposed of by directing respondents, particularly respondent No.3 to decide the legal notice dated 5.6.2020 in accordance with law within a period of one month from the date of receipt of certified copy of this order. Respondent No.3 would be at liberty to refer the issue to any of his officers, who are competent to deal with the payment of issue of the petitioner in accordance with law. In case the competent authority finds that the claim of the petitioner is of worth acceptance, then in that eventuality the payment be made within a further period of six weeks along with interest @ 6.5% per annum from the date of completion of work till the payment is released in favour of the petitioner. However, in case the competent authority feels that the relief claimed by the petitioner is not entertainable, then a speaking order be passed so as to allow the petitioner to avail its legal remedy in accordance with law.

(RAJ MOHAN SINGH)
JUDGE

August 25, 2020

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| 1. | Whether speaking/reasoned | : | Yes/No |
| 2. | Whether reportable | : | Yes/No |