

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CWP No.14418 of 2020

Decided on:15.09.2020

M/s Bhambra Construction Pvt. Ltd.

... Petitioner

Versus

The State of Punjab and others

... Respondents

CORAM : HON'BLE MR. JUSTICE G.S. SANDHAWALIA

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

Ms. Kanica Sachdeva, AAG, Punjab.

(The proceedings are being conducted through video
conferencing, as per instructions.)

G.S. Sandhawalia, J. (Oral)

The petitioner in the present writ filed under Articles 226/227 of the Constitution of India, seeks issuance in the nature of mandamus directing the respondents to release the balance payment of Rs.13,94,637/-. The said payment along with interest at the rate of 8% p.a. is sought on the basis of work of operation and maintenance of entire sewerage system in village Simble Majra, Block Balachaur, District Shaheed Bhagat Singh Nagar, executed by the petitioner.

It is the case of the petitioner that the work was allotted to him on 18.06.2013 in two parts A and B. As per allotment letter (Annexure P-1) for part-A he approached this Court on completion of work and payment released to him was of Rs.1,29,249/- as per the table given in paragraph 5. The same was released on the intervention by this Court in earlier CWP No.2360 of 2016 and COCP No.1861 of 2016. It is thus claimed that thereafter he has completed part-B work and 5th and the final bill has been submitted on 03.02.2020 to respondent Nos.4 to 6 (Annexure P-2).

It is further submitted that a legal notice dated 17.03.2020 (Annexure P-3) has also been served upon the respondent No.4 for necessary payment but the same has not been acted upon in spite of almost six months having been gone. He further submits that he will be satisfied if the decision is taken by respondents within a fixed time frame.

Notice of motion.

Ms. Kanica Sachdeva, AAG, Punjab accepts notice on behalf of the State-respondent Nos.1 to 5. Service upon respondent No.6 is dispensed with in view of the above claim not being against the said respondent.

Without commenting upon the merits of the case and since the decision making is still incomplete, this Court is of the opinion that no useful purpose will be served by calling upon the respondents to file reply. Accordingly, the present writ petition is disposed of with direction to respondent No.4 to take decision on the said legal notice within a period of 2 months from the date of certified copy of the order. In case, the payment is found due and if there is no dispute as such regarding the quality or quantity of his work executed, the payment shall be released within 4 weeks thereafter. If the said respondent, however, finds that petitioner is not entitled for the payment as claimed by him, he shall pass a speaking order and communicate the same to the petitioner.

Accordingly, writ petition is disposed of with the above said terms.

15.09.2020

Parveen

(G.S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned:
Whether Reportable:

Yes/No
Yes/No