

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

CWP-14608-2020(O&M)

Date of decision: 05.11.2020

M/s. Competent Constructions

...Petitioner

Versus

State of Punjab and others

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

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

Ms. Anju Sharma Kaushik, DAG Punjab.

Mr. Parambir Singh, Advocate for respondents No. 2 to 4.

HARNARESH SINGH GILL, J. (ORAL)

Case is taken up for hearing through video conferencing.

Prayer in the present petition filed under Article 226/227 of the Constitution of India is for issuance of a writ in the nature of Mandamus directing the respondents to release the due payment of Rs. 56,08,529/- qua the work of construction of Multipurpose Sports Stadium, Sri Anandpur Sahib, District Ropar, executed by the petitioner along with interest @ 12% per annum.

Learned counsel for the petitioner states that on 18.01.2016, the aforesaid work was allotted to the petitioner vide letter No. 160 dated 18.01.2016 (Annexure P-1). The petitioner has successfully completed the

allocated work on 21.06.2019. There is no dispute regarding the work executed by the petitioner and the balance amount payable to the petitioner. The bills have been duly passed and it has been certified that the petitioner has executed the work complete in all respects and as per PWD specifications. The Board has also sent a letter dated 30.07.2020 to respondent No. 5 with request to release the funds for making due payment. The petitioner and his representatives have visited the offices of the respondents but till date the due amount is not being released by the respondents.

Learned counsel for the petitioner further states that the petitioner has represented the department a number of times vide several representation and has also served a legal notice dated 14.08.2020 (Annexure P-4) but till date no action has been taken by the respondents. He further states that he would be satisfied, if legal notice dated 14.08.2020 (Annexure P-4) is decided by respondent No. 4-the Executive Engineer (C), Punjab Mandi Board, Punjab Mandi Bhawan, Sector-65, SAS Nagar (Mohali), within a stipulated period.

Respondent No. 4, is accordingly directed to consider and take appropriate action upon the the legal notice dated 14.08.2020 (Annexure P-4) served by the petitioner. This exercise shall be completed expeditiously and in any event, not later than one month from the date of receipt of a certified copy of this order.

If respondent No. 4 finds that the dues as claimed by the petitioner concern are lawful, the payment shall be made within a period of

one month 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. 4 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.

(HARNARESH SINGH GILL)
JUDGE

05.11.2020

Mangal Singh

Whether reasoned/speaking?

Yes/No

Whether reportable?

Yes/No