

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

**CWP No. 14888 of 2020
DATE OF DECISION : 18.09.2020**

M/s Garga Associates

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM : HON'BLE MR. JUSTICE ARUN MONGA

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

Mr. Nikhil Chopra, Addl. AG, Punjab.

(Presence marked through video conference).

ARUN MONGA, J. (ORAL)

Petitioner seeks issuance of appropriate writ in the nature of mandamus directing the respondents to release its overdue payment of Rs.2,36,65,533/- in respect of work done qua Rehabilitation of Ibbon Minor Package RD 18610-35167 by concrete lining M15 concrete mix mixed in automatic batching and mixing plant carried to site of work in transit mixers executed by the petitioner along with interest @ 12 % per annum.

2. Learned counsel for the petitioner contends that petitioner was allocated the abovementioned work vide work Order No. 54 dated 09.01.2020. Work was successfully completed on 13.06.2020. He further contends that despite completion of work, payment of first and second bill has not been released to the petitioner for a sum of Rs.2,36,65,533/- . The bills have already been certified by the officials of respondents and sent to District Treasury Officer but the payment has not been released to the petitioner. For his

grievance, the petitioner submitted representation dated 07.08.2020 (Annexure P-2) but no action has been taken thereon till date. Hence, the petition.

3. Notice of motion.

4. Mr. Nikhil Chopra, Additional Advocate General, Punjab, who has joined the proceedings on service of advance copy of the petition, appears and accepts notice on behalf of State of Punjab.

5. 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.

6. Without commenting on the merits of the case, petition is disposed of with a direction to the official respondents/competent authority to decide the representation dated 07.08.2020 (Annexure P-2), in accordance with law within a period of two months from today. Respondent No.3/competent authority would be at liberty to delegate the matter to any other officer, who is competent to deal with the payment issue of the petitioner, in accordance with law. In case the competent authority finds that the claim of the petitioner is worthy of acceptance, the payment in that eventuality be made within a further period of eight weeks along with interest @ 6% per annum from the date of representation till the payment is released in favour of the petitioner. In case the claim of petitioner is found to be not entertainable, a speaking order then be passed, to enable the petitioner to avail its legal remedy in accordance with law.

SEPTEMBER 18, 2020

shalini

(ARUN MONGA)

JUDGE

Whether speaking/reasoned :

Yes/No

Whether reportable :

Yes/No