

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

CWP-14730-2020

Date of decision:-17.9.2020

M/s Garga Associates

...Petitioner

Versus

The State of Punjab and others

...Respondents

CORAM: HON'BLE MR.JUSTICE H.S.MADAAN

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

Mr.Vikas Mohan Gupta, Addl. A.G., Punjab.

H.S. MADAAN, J.

Case taken up through video conferencing.

Petitioner – M/s Garga Associates, Bathinda through its partner Bhim Sain Garg has brought the instant Civil Writ Petition under Articles 226/227 of the Constitution of India, against respondents i.e. State of Punjab through its Principal Secretary, Agriculture Department, Punjab Civil Secretariat, Chandigarh, The Punjab Mandi Board through its Secretary, SAS Nagar (Mohali), Chief Engineer (South), Punjab Mandi Board, SAS Nagar (Mohali), Executive Engineer (C), Punjab Mandi Board, Bathinda and Nagar Panchayat, Lehra Mohabbat, District Bathinda

through its Executive Officer for issuance of a writ in the nature of mandamus directing the respondents to make the due payment of 9th and final bill amounting to Rs.2,73,180/- qua the work providing and laying CC flooring DB Flooring, interlock tiles and construction of drain at NAC Lehra Mohabhat, District Bathinda G-3 Work Code 14047, executed by petitioner along with interest @ 12% per annum.

The grouse of the petitioner is that the due amount has not been released to it despite completion of the work allotted.

Notice of motion.

Mr.Vikas Mohan Gupta, Addl. A.G., Punjab, accepts notice on behalf of respondents.

Learned counsel for the petitioner submits that he would be satisfied if a direction is issued to the respondents to consider the claim of the petitioner and take appropriate action in the matter within a fixed time frame.

Learned State counsel submits that the respondents would abide by any such order passed by this Court.

Accordingly, keeping in view the facts and circumstances of the case and in order to avoid unnecessary litigation between the parties, the present writ petition is disposed of directing the respondents to look into the claim of the petitioner-firm and if it is found that petitioner – firm is entitled to receive any amount, then the same be paid along with interest @ 6% per annum, from the date the amount become due till the date of payment, within a period of two months from the date of receipt of a copy of this order. For the purpose of consideration, this writ petition

along with annexures be treated as representation by the petitioner-firm.

Since the writ petition is not being disposed of on merits, the petitioner-firm may take recourse to the legal remedy, in accordance with law, in case it still feels aggrieved by the decision taken by the respondents on its representation.

17.9.2020
Brij

(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No