

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

Sr. No.103

**CWP-16352-2020 (O&M)
Date of Decision: 07.10.2020**

M/s Gupta Builders

...Petitioner

VERSUS

The State of Punjab and others

...Respondents

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

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

ARCHANA PURI, J.(ORAL)

The matter has been taken up through video conferencing in the light of COVID-19 pandemic.

The present writ petition has been filed by the petitioner in the nature of mandamus, thereby seeking issuance of directions to respondents to make payment of maintenance bills amounting to Rs.75,56,480/-, qua the works of maintenance of various roads executed by the petitioner, alongwith interest @12% per annum.

It is the claim of the petitioner that during the year 2012 to 2014, certain works of up gradation and maintenance of roads were allotted to the petitioner, which were completed and the payment thereof has also been released to the petitioner. Thereafter, the petitioner had also executed the works of annual maintenance of these roads but the payment of maintenance bills of those works have not been released till date. In paragraph no.2 of the writ petition, he has given the detail bifurcation of the amount of Rs.75,56,480/-

It is further claimed by the petitioner that the petitioner had completed the said maintenance works and the bills have also been passed but the payment of bills were not released. Entries with regard to the maintenance of works has been made in the measurement books, and there is no dispute with regard to execution of these maintenance works by the petitioner. The petitioner has executed all the works to the entire satisfaction of supervisory staff and there is no complaint about the execution of maintenance works. Even, though the petitioner had made a number of representations, but however, the respondents have not responded to these representations in any manner. Legal notice dated 28.08.2020 (Annexure P-3) has also been issued to respondent no.5 but inspite of the same, the due payment has not been released.

Notice of motion.

Ms. Lavanya Paul, Assistant Advocate General, Punjab, accepts notice on behalf of the respondent-State.

On the other hand, learned State Counsel has stated that she has no idea about the payment qua the work completed by the petitioner.

In these circumstances, it is required on the part of the respondents, at first instance, to work upon the claims of the petitioner. As such, the writ petition is disposed of with the direction to respondent No.5 to consider the claim of the petitioner while taking into consideration the contents of the legal notice dated 28.08.2020 (Annexure P-3), and take appropriate action thereon.

If, for one reason or the other, the claim of the petitioner is not reconciled by the respondents, then a speaking order be passed after giving an opportunity of hearing to the petitioner. At the same time, it is also clarified that in case, there is no dispute qua the outstanding payment, as per the details given in paragraph no.2 of the writ petition, then the amount due, be paid, within a period of 10 weeks from the date of receipt of certified copy of this order and if any delay is caused qua this payment, then the respondents shall be liable to pay interest @ 6.5% per annum, from the date when the amount fell due, till the date of actual payment.

Accordingly, the instant Civil Writ Petition stands disposed of.

(ARCHANA PURI)
JUDGE

07.10.2020
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Whether speaking	Yes
Whether reportable	No