

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

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(PROCEEDINGS THROUGH V.C.)

CWP-16355-2020

DATE OF DECISION: OCTOBER 07, 2020

**M/s Hardev Singh and Company Grain Market Goniana, Tehsil and District
Bathinda**

.....Petitioner

VERSUS

The State of Punjab and others

....Respondents

CORAM:- HON'BLE MR.JUSTICE AUGUSTINE GEORGE MASIH

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

AUGUSTINE GEORGE MASIH, J. (ORAL)

Prayer in this writ petition is for issuance of a writ of mandamus, directing the respondents to make the due payment of ₹10,47,349/-, including security, for the work of Providing Improved Water Supply Scheme in Village Fatuhikhera, District Sri Muktsar Sahib, which has been duly executed by the petitioner, alongwith interest @ 8% per annum in view of Clause 43.1 of the DNIT. It is asserted that the petitioner has successfully executed the work, which was allotted to it and in pursuance thereof, the petitioner had even submitted the final bill. No anomaly has been pointed out by the respondents. It is asserted that despite the bills having been duly approved, the payment is not being made to the petitioner. Forced due to non payment of the dues, the petitioner served a

notice through counsel dated 28.08.2020 (Annexure P-3) upon the Executive Engineer, Water Supply & Sanitation Division, Malout, District Sri Muktsar Sahib-respondent No.4 but till date no decision thereon has been taken.

Counsel for the petitioner contends that the petitioner, at this stage, would be satisfied if a direction is issued to the Executive Engineer, Water Supply & Sanitation Division, Malout, District Sri Muktsar Sahib-respondent No.4, to look into and decide the legal notice dated 28.08.2020 (Annexure P-3) within some stipulated time.

Mr. Pankaj Gupta, Additional Advocate General, Punjab, who has appeared for the respondents, submits that he has no objection to the prayer made by counsel for the petitioner.

In view of the above, without going into the merits of the case or commenting thereon, the present petition is disposed of with direction to the Chief Engineer (Central), Punjab Water Supply & Sanitation Department, Mini Secretariat, Nabha Road, Patiala and the Executive Engineer, Water Supply & Sanitation Division, Malout, District Sri Muktsar Sahib-respondent Nos.3 and 4 respectively, to consider and decide the legal notice dated 28.08.2020 (Annexure P-3) within a period of two months from today and in case the claim of the petitioner is found to be genuine and correct, the amount be released to it within a further period of one month.

In case the payment is not made within a period of one month from the date of expiry of period of two months given by this Court for decision on the legal notice dated 28.08.2020 (Annexure P-3), the petitioner would be entitled to interest @ 8% per annum from the date of accrual till the date of disbursement. The said amount, which could be in the form of

interest, shall be recovered from the official(s) responsible for the delay in making payment to the petitioner.

**October 07, 2020
khurmi**

**(AUGUSTINE GEORGE MASIH)
JUDGE**

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No