

103 (2 cases)

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

CWP No. 20325 of 2020 and

CWP No.20336-2020

Date of Decision: 27.11.2020

M/s B.S. Builders

...Petitioner

Vs.

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

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

Ms. Sunint Kaur, Assistant A.G., Punjab.
(Presence marked through video conference).

ARUN MONGA, J. (ORAL)

Vide this common order, two writ petitions *CWP No.20325 of 2020 and CWP No. 20336 of 2020* titled as "*M/s B.S.Builders Vs. State of Punjab and others*" are being disposed of. Common issues/facts are involved therein. For brevity, recitals being taken from CWP No.20325 of 2020.

2. Petitioner is seeking issuance of a writ in the nature of mandamus directing the respondents to make payment of pending bills qua the work of periodical repairs of Amloh Bhambri Bugga Jorepul up to District Boundary (ODR-08) and special repair of roads being executed by the petitioner along with interest @12% per annum.

3. Learned counsel for the petitioner submits that work as aforesaid was allotted on 18.03.2020 and petitioner commenced work soon thereafter. Material amounting to Rs.1,29,03,251/- was stored as per the requisite guidelines. Secured advance bill i.e. 75% of the material amounting to Rs.96,77,438/- was passed on 25.08.2020. Notwithstanding, payment has

not been made on the ground of non availability of funds, while the petitioner has been out pocketed and suffering heavy loss.

4. Petitioner submitted a representation followed by legal notice dated 20.10.2020 (Annexure P-2) but to no avail. Hence, the instant petition.

5. Learned counsel relies on an order passed by a coordinate Bench of this Court in *CWP No.2440 of 2020 decided on 09.11.2020* titled as “*Prem Pal Bathla Contractor Vs. State of Punjab and others*” contained at Annexure P-4.

6. Notice of motion.

7. Ms. Sunint Kaur, Assistant A.G., Punjab who has joined proceedings on service of advance copy of this petition appears and accepts notice on behalf of the respondent-State of Punjab.

8. Given the nature of order being passed, there is no necessity to seek return by any of the respondents, as no further proceedings and/or pleadings are required.

9. Without commenting anything on the merits of the case, the writ petitions are disposed of with a direction to the competent authority to look into the grievance of the petitioner as per legal notice dated 20.10.2020 (Annexure P-2) and also by keeping in view the contentions stated in the present petition by treating the same as supplementary representation and decide the same by passing a speaking order, in accordance with law.

10. Let the needful be done within a period of two months from today.

11. In the event, petitioner is found entitled to the payment as contended by him, same shall be released to him within a period of 30 days from the date of passing of the aforesaid speaking order.
12. A photocopy of this order be placed on the connected case file.

NOVEMBER 27, 2020
vandana

(ARUN MONGA)
JUDGE

Whether speaking/reasoned:
Whether reportable

Yes/No
Yes/No