

Sr. No.103

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

**CWP No.20536 of 2020
Date of Decision: 02.12.2020**

M/s Yadav 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. Akshita Chauhan, AAG, Punjab.

(Presence marked through video conference).

ARUN MONGA, J. (ORAL)

Petitioner, inter alia, seeks issuance of a writ in the nature of mandamus directing the respondents to make the admitted payment of Rs.11,79,716/- including earnest money qua the work already executed by the petitioner along with interest @12% per annum.

2. Learned counsel for the petitioner submits that work as aforesaid was allotted on 09.12.2016 and petitioner commenced work soon thereafter. It successfully completed the work on 29.07.2017. The payment of Ist running bill was also released. Final bill for an amount of Rs.11,39,716/- was passed on 02.04.2018. Notwithstanding, its payment has not been released till date. Apart from payment of this final bill, an amount of Rs. 40,000/- was deposited by the petitioner as earnest money and he is also entitled for refund of the same.

3. In the premise, petitioner submitted a representation followed by legal notice dated 03.07.2019 (Annexure P-2) but to no avail. Hence, the instant petition.

4. 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-3.

5. Learned counsel for the petitioner submits that he would be satisfied, at this stage, if instant petition is to be disposed of with a direction

to take a final decision on his legal notice dated 03.07.2019 (Annexure P-2) within a stipulated time frame.

6. Notice of motion.

7. Ms. Akshita Chauhan, AAG, 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 on the merits of the case, the writ petition is disposed of with a direction to the competent authority to look into the grievance of the petitioner as per legal notice dated 03.07.2019 (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 02 months from the date of passing of the aforesaid speaking order.

12. Disposed of accordingly.

DECEMBER 02, 2020
vandana

(ARUN MONGA)
JUDGE

Whether speaking/reasoned:
Whether reportable

Yes/No
Yes/No