
HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CWP No.3670 of 2021

Date of decision:17.02.2021

M/s Dinesh Construction Company

...Petitioner

Versus

Punjab Heritage and Tourism Promotion Board and another

... Respondents

CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA

Present: Mr. Dheeraj Mahajan, Advocate,
for the petitioner.

(The proceedings were conducted through video
conferencing, as per instructions.)

G.S. Sandhawalia, J. (Oral)

In the present writ petition, filed under Article 226 of the Constitution of India, the petitioner seeks directions to the respondents for making payment of ₹39,54,681.10/- on account of successful execution of the allotted work. It is the case of the petitioner that the construction and renovation of restaurant, toilet block, outer boundary, front parking, shops, kitchen, four dormitories, guest rooms at Magnoliya Tourist Complex, GT Road, Kartarpur had been assigned to the petitioner as per the allotment letter dated 13.06.2016 (Annexure P-1) for a sum of ₹94,49,001/-. The work was executed by 27.08.2019 but the complete payment has not been realized.

Letter dated 08.07.2020 (Annexure P-2), asking the petitioner to submit the rate analysis of all the non-BOQ items for approval and to submit the final bill in the prescribed format, was issued and the said communication has been responded to and the final bill has been submitted by the petitioner vide letter dated 25.08.2020 (Annexure P-3). However, the complete payment has not been

made. A legal notice dated 25.01.2021 has also allegedly been served upon the respondents.

Counsel for the petitioner submits that he would be satisfied if a decision is taken on the legal notice by the respondents in a fixed time frame.

Keeping in view the above, in the opinion of the Court no useful purpose would be served by calling upon the respondents to file reply as the decision making is still incomplete.

Resultantly, the present petition is disposed of with a direction to the respondents/competent authority to take a decision on the legal notice dated 25.01.2021 (Annexure P-4) of the petitioner within a period of six weeks from today. In case, there is no legal impediment and the work has been executed to the satisfaction of the respondents and the amount is found payable, the same be released immediately thereafter. In case there is any impediment as such in making the payment, a reasoned order be passed and communicated to the petitioner.

February 17, 2021
vinod*

(G.S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned:
Whether Reportable:

Yes/No
Yes/No