

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

CWP No.4367 of 2021 (O&M)

DATE OF DECISION: 24.02.2021

M/s Satish Aggarwal & Co.

.....Petitioner

versus

The State of Punjab and others

.....Respondents

CORAM:- HON'BLE MRS. JUSTICE ALKA SARIN

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

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ALKA SARIN, J. (Oral):

Heard through video conferencing.

The present petition has been filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of mandamus directing the respondents to release the payment of 7th and final bill amounting to ₹16,15,728/- qua the work of Special Repairs of various Link Roads in Constituency Adampur (PIDB Funded), District Jalandhar, executed by the petitioner along with interest.

As per the averments in the petition, the petitioner executed various works assigned to it from time to time and there has never been any complaint against the works executed by the petitioner. It is further averred that the petitioner commenced the work of Special Repairs of various Link Roads in Constituency Adampur (PIDB Funded), District Jalandhar on 01.07.2016 and successfully completed the same on 28.10.2016 i.e. well within the stipulated period. The payment of six running bills had been released to the petitioner, however, the payment of 7th and final bill

amounting to ₹16,15,728/- has not been released till date. It is further averred that the defect liability period of this work also expired on 30.06.2017. Learned counsel for the petitioner would contend that in this regard a Legal Notice dated 19.01.2021 (Annexure P-3) had been sent, however, no action has been taken on the same.

The learned counsel for the petitioner would further contend that at this stage he limits his prayer and would be satisfied if a direction is issued to the respondents to decide the Legal Notice dated 19.01.2021 (Annexure P-3) in a time-bound manner in accordance with law.

Notice of motion.

On the asking of the Court, Mr. D.S. Sukarchakia, DAG, Punjab has joined the session through video conferencing and accepts notice on behalf of all the respondents.

In view of the limited prayer made by the learned counsel for the petitioner, without expressing any opinion on the merits of the claim made by the petitioner, the present petition is disposed off by directing respondent No.4 (The Executive Engineer, Provincial Division, PWD, B&R Branch, Jalandhar Cantt.) to decide the Legal Notice dated 19.01.2021 (Annexure P-3) by passing a speaking order in accordance with law within a period of two months from the receipt of a certified copy of this order and in case the petitioner is found entitled to the payment, as claimed, the same be released within a reasonable time thereafter.

Disposed off.

**(ALKA SARIN)
JUDGE**

24.02.2021
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NOTE: Whether speaking/non-speaking: Speaking Whether reportable: YES/NO
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