

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

CWP No.6143 of 2021 (O&M)
DATE OF DECISION: 17.03.2021

M/s Oberoi Construction Corporation

.....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 prayer in the present petition under Articles 226/227 of the Constitution of India is for issuance of a writ in the nature of mandamus directing the respondents to release the payment of Rs.67,33,499/- including security qua the work of Providing Sewerage Scheme in Village Bajra and attached Habitations, Block Ludhiana-II, District Ludhiana (under Punjab Rural Water & Sanitation Sector Improvement Project).

Learned counsel for the petitioner would contend that the petitioner had earlier approached this Court by filing CWP No.32133 of 2018 claiming payment of this amount along with payments of some other works. Vide order dated 12.03.2019, the said writ petition was disposed off with a direction to respondent No.5 to take a final decision on the representation within a period of six weeks. Thereafter, a speaking order dated 10.05.2019 (Annexure P-5) was passed wherein it was stated that the

contract was still under the defect liability period and that the bills had been withheld till the functionality of the sewerage system as a whole is ensured and all defects in the system are removed. Thereafter, as per the averments in the petition, the said defects were removed and the same is also apparent from the letter Annexure P-7 dated 19.02.2021 written by the Executive Engineer, Water Supply & Sanitation, Division No.2, Ludhiana (respondent No.5) to the Head of the W/S & Sanitation Department and the Chief Engineer (South) Punjab, W/S & Sanitation Department wherein it has specifically been stated that the department has already inspected the scheme and it has been found that the sewerage scheme is running satisfactorily. Despite the letter Annexure P-7, the amount due towards the petitioner for carrying out the works has not been released.

Notice of motion.

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

Learned counsel for the State, on instructions from Mr. Gagan Sandhu, Executive Engineer, Water Supply & Sanitation Division No.2, Ludhiana (respondent No.5), states that the payment due towards the works carried out by the petitioner would be released within a period of six weeks from the date of passing of this order.

In view of the statement made by learned counsel for the respondents, no further orders need be passed in the present petition. Accordingly, the present petition is disposed off on the statement made by the learned counsel for the respondents. In case the payment is not released within the period of six weeks, as stated by the learned counsel for the State, the petitioner would be entitled to interest at the rate of 8% per annum on the delayed payment.

Disposed off accordingly.

**(ALKA SARIN)
JUDGE**

17.03.2021
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<u>NOTE:</u> Whether speaking/non-speaking: Speaking Whether reportable: YES/NO
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