

101 (2nd case)

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

CWP-8772-2021 (O&M)

Date of Decision: 23.04.2021

M/s York Builders Pvt. Ltd.

...Petitioner

V/s

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. Chirag Girdhar, Advocate,
for the petitioner.

Ms. Akshita Chauhan, AAG, Punjab.
(Presence marked through video conference).

ARUN MONGA, J. (ORAL)

Petitioner company, *inter alia*, seeks issuance of a writ in the nature of mandamus directing the respondents to remit the over due payment, of what is alleged to be an admitted amount of Rs.11,55,074/- including security qua the work already executed by it along with interest.

2. Learned counsel for the petitioner submits that work was allotted to the petitioner vide work order No.818 dated 22.04.2016. Work commenced soon thereafter and 1st running bill amounting to Rs.38,50,246/- was passed on 17.04.2017 but its payment was not released. Petitioner company had to earlier also file a petition before this court bearing CWP No.18659 of 2018 claiming its admittedly due payment. The said earlier writ petition was disposed of by giving time bound direction to the corporation to release the due amount but the order was not complied with. Consequently, petitioner filed a contempt petition and only thereafter, net amount of Rs.25,02,660/- was released to the petitioner. He submits that

while making payment of Ist running bill, an amount of Rs.3,85,025/- was withheld on account of security and another amount of Rs.7,70,049/- was deduced on account of Webcoss. These two amounts were to be refunded to the petitioner after completion of work. However, notwithstanding that remaining work was not got executed from the petitioner, these payments have not been remitted. Counsel submits that representatives of petitioner company made various personal requests for releasing the balance amount including security but to no avail.

3. In the premise, petitioner company also submitted various representations followed by legal notice dated 29.01.2021 (Annexure P-4). Even the legal notice has not been adverted by the respondents till date. Hence, the instant petition.

4. Learned counsel for the petitioner submits that he would be satisfied, at this stage, if a final decision, either way, is taken by the respondents on the pending legal notice dated 29.01.2021 (Annexure P-4).

5. Notice of motion.

6. Ms. Akshita Chauhan, AAG Punjab joins proceedings on advance service and accepts notice on behalf of the respondent-State of Punjab.

7. 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.

8. 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 29.01.2021 (Annexure P-4) and also by keeping in view the contents of the present

petition by treating the same as supplementary representation and decide the same by passing a speaking order, in accordance with law.

9. Let the needful be done within a period of four weeks from today. In case, favorable order is passed, benefit thereof be accorded within a period of six weeks thereafter.

10. Disposed of accordingly.

April 23, 2021

vandana

(ARUN MONGA)

JUDGE

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No